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Supreme Court of the United States

OCTOBER TERM, 1967

No. 75

FRANK LEE, COMMISSIONER OF CORRECTIONS
OF ALABAMA, ET AL., APPELLANTS,

vs.

CALIPH WASHINGTON, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

FILED MARCH 31, 1967
ORDER NOTING PROBABLE JURISDICTION MAY 29, 1967

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[fol. 1]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Civil Action No. 2350-N

CALIPH WASHINGTON, HOSEA L. WILLIAMS, JULIA ALLEN, individually and as mother and next friend of WILLIE ALLEN, a minor, WILLIE ALLEN, AGNES BEAVERS, individually and as mother and next friend of CECIL McCARGO, JR., a minor, CECIL McCARGO, JR., JOHNNIE COLEMAN, and THOMAS E. HOUCK, JR., for themselves, jointly and severally, and for all others similarly situated, Plaintiffs,

vs.

FRANK LEE as Commissioner of Corrections of Alabama; JOHN F. BRITTON, CHARLIE CASHION, HERSCHELL LUTTRELL, DR. MAX McLAUGHLIN and WILLIAM MITCH, as members of the Board of Corrections of Alabama; MELVIN L. BAILEY, as Sheriff of Jefferson County, Alabama and all other sheriffs of Alabama, jointly and severally, who are similarly situated; ROBERT K. AUSTIN as Warden of the City Jail of Birmingham, Alabama and all other wardens and jailers of city and town jails of Alabama, jointly and severally, who are similarly situated, Defendants.

COMPLAINT—Filed February 18, 1966

(1) This action arises under the Eighth Amendment and the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the Constitution of the United States and the following provisions of the United States

[File endorsement omitted]

Code: Title 42, §§1981 and 1983. Jurisdiction is conferred on this Court by §§1331, 1343 (3) (4), 2201, 2281, and 2283 of Title 28, United States Code and §§1981, 1983, and 1988 of Title 42, United States Code. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

[fol. 2]

First Cause of Action

(2) The plaintiffs bring this action on their own behalf and on behalf of all other persons similarly situated pursuant to Rule 23 (a) (3) of the Federal Rules of Civil Procedure. There are common questions of law and fact affecting the several rights of Negro citizens, male and female, to be not segregated, classified, designated or otherwise subjected to racial distinctions in confinement, conditions of service and otherwise in the state prison system and the county, city and town jails of Alabama. Additional common questions of law and fact exist affecting the several rights of all plaintiffs, white and Negro. The members of the class (Negro citizens of Alabama and white civil rights workers, and those who are inmates of Alabama penal institutions) are so numerous as to make it impracticable to bring them all before this Court. A common relief is sought. The interests of said class are adequately represented by plaintiffs.

(3) Plaintiffs Caliph Washington, Julia Allen, Willie Allen, Agnes Beavers, Cecil McCargo, Jr., and Johnnie Coleman are Negro citizens and/or residents of Alabama. Plaintiff Hosea L. Williams is a Negro citizen and resident of Georgia. Plaintiff Thomas E. Houck, Jr. is a white citizen and resident of Florida. Julia Allen, Agnes Beavers, Johnnie Coleman and Caliph Washington are over the age of twenty-one (21) years. Plaintiff Willie Allen and Cecil McCargo, Jr. are minors. Plaintiff Johnnie Coleman is presently incarcerated in racially segregated circumstances in Kilby Prison, Montgomery, Alabama and prior to his present incarceration had been incarcerated in racially

segregated circumstances in a city jail in Alabama. Plaintiffs Willie Allen and Cecil McCargo, Jr. are presently [fol. 3] confined in Alabama State penal institutions and prior to their present incarceration had been confined in racially segregated circumstances in city, town and county jails in Alabama. Plaintiff Caliph Washington is presently incarcerated in the Jefferson County, Alabama Jail, he having been previously incarcerated in racially segregated circumstances in Kilby Prison, Montgomery, Alabama and in Alabama county jails and state penal institutions in racially segregated circumstances. Plaintiff Hosea L. Williams has been incarcerated in racially segregated circumstances in the Birmingham City Jail and is presently appealing misdemeanor charges against him which resulted in a recorders court conviction and which, if unsuccessful, could result in his incarceration in the Birmingham City Jail. Plaintiff Thomas E. Houck, Jr. has been confined in the Birmingham City Jail where he, a white civil rights worker, was confined in a racially segregated cell with white prisoners who roughed him up during his confinement.

(4) The defendants John F. Britton, Charlie Cashion, Herschell Luttrell, Dr. Max McLaughlin and William Mitch are white males, over the age of twenty-one, are residents of Montgomery, Franklin, Limestone, Mobile and Jefferson Counties, Alabama, respectively and are the duly appointed members of the Board of Corrections of Alabama, as such their rights, powers, duties and authority are set out in Title 45, Code of Alabama (Recomp. 1958).

The defendant Frank Lee is Commissioner of Corrections of Alabama and is charged with the duties of serving as the chief administrative officer of the Board of Corrections of Alabama (Title 45, §10 (5), Code of Alabama (Recomp. 1958).

The defendant Melvin L. Bailey is the duly elected and qualified Sheriff of Jefferson County, Alabama and as such [fol. 4] has the legal custody and charge of the jail in such county and all prisoners committed thereto and he is civilly responsible for the acts of the jailer whom he appoints (Title 45, §115, Code of Alabama (Recomp. 1958)) and is sued individually and as a representative of all sheriffs of Alabama, such persons being so numerous as to make it impracticable to bring them all before the Court.

The defendant Robert K. Austin is Warden of the City Jail of the City of Birmingham, Alabama and is sued individually and as a representative of all wardens and jailers of city and town jails of Alabama, such persons being so numerous as to make it impracticable to bring them all before the Court.

(5) Defendants Frank Lee and John F. Britton reside at Montgomery, Alabama. Defendant Charlie Cashion resides at Red Bay, Alabama. Defendant Herschell Luttrell resides at Athens, Alabama. Defendant Dr. Max McLaughlin resides at Mobile, Alabama. Defendants William Mitch, Melvin L. Bailey, and Robert K. Austin reside at Birmingham, Alabama. The office of all defendants except Messrs. Bailey and Austin are in Montgomery, Alabama. The office of Melvin L. Bailey is in the Jefferson County Courthouse, Birmingham, Alabama, and the office of Robert K. Austin is in the Birmingham City Jail, Birmingham, Alabama.

(6) Plaintiffs aver that Title 45, Section 4, Code of Alabama (Recomp. 1958) requires that in the State's penal institutions "There shall be proper separation of . . . whites from blacks". . . . They further aver that the annual report to the Governor made by the director requires the racial designation of convicts (Title 45, Section 19, Ibid.) and that the "complexion" of convicts must be recorded by the Board (Title 45, Section 30, Ibid.) Title 45, Section 52, Ibid., requires that "white and colored convicts" . . . [be not] "chained together or be allowed to [fol. 5] sleep together . . ." and ". . . arrangements shall be made for keeping white and colored convicts at separate prisons and they shall not be allowed to be kept at the

same place." Title 45, Section 74, Ibid., requires that "all laws of the state and rules of the [Board] in regard to state convicts shall apply also to county convicts as far as applicable. . . . "

Title 45, Section 94, ibid., requires that: "All laws of the state and rules of the [Board] in regard to state convicts shall apply to county convicts kept and used by the state. . . . " Title 45, Section 26, ibid., requires that, upon conviction, judges must immediately transfer all convicts sentenced to the penitentiary to the "nearest secure jail." Sheriffs and jailers and other keepers of town and city jails must keep white and Negro prisoners separate (Title 45, Sections 121, 122, ibid.) or be guilty of a misdemeanor (Title 45, Section 123, ibid.). The courts of county commissioners, boards of revenue or city councils must provide separate bathing facilities for Negroes or whites (Title 45, Section 172, Ibid.). Sheriffs, chiefs of police and town marshals must make a monthly report to the Board designating prisoners by race (Title 45, Sec. 177, Ibid.). "Each county jail or town or city prison must contain separate compartments for whites and Negroes and racially segregated bath facilities (Title 45, Section 183, Ibid.).

(7). Sheriffs and jailers must receive into custody prisoners of the United States (Title 45, Section 136, Code of Alabama (Recomp. 1958)) and the United States Marshal becomes liable to the sheriff or other proper officials for jail fees and charges attributable to such prisoners (Title 45, Section 137, ibid.). In addition to these arrangements the State of Alabama enters into agreements and receives aid and assistance from the United States in its penal system.

(8) Each and every one of the above and foregoing statutory provisions which provides for the separation, [fol. 6] classification or designation of prisoners on the basis of race is unconstitutional on its face and is in violation of the Due Process and Equal Protection Clauses of

the Fourteenth Amendment of the Constitution of the United States.

Second Cause of Action

(9) Plaintiffs re-allege paragraphs one through seven, inclusive, in their entirety.

(10) Each and every one of the above and foregoing statutory provisions which provides for the separation, designation or classification of prisoners on the basis of race is unconstitutional on its face and is in violation of the cruel and unusual punishment clause of the Eighth Amendment of the Constitution of the United States.

Third Cause of Action

(11) Plaintiffs re-allege paragraphs one through seven, inclusive, in their entirety.

(12) Plaintiffs aver that although the Negro citizens in the class which they collectively represent comprise 30.1% of the total population of the State of Alabama, no members of the Negro race, or only a token number thereof, were employed by the Board of Corrections as guards, wardens, office and clerical workers and in other positions in the State prison system nor have they been employed in like positions in county, city and town jails nor have they been employed as deputy sheriffs except in Macon and Mobile Counties and as "special" deputies in Lowndes County, Alabama and plaintiffs further aver that the exclusion of Negroes from such employment was systematic and based solely upon their being members of the Negro race, in violation of the guarantees contained in the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the Constitution of the United States and [fol. 7] the laws of the United States.

(13) Plaintiffs further show that this is a proceeding wherein they seek a declaration of their rights pursuant to §2201 of Title 28, United States Code, in that the de-

fendants, their officers, agents, servants, employees, or attorneys and those persons in active concert or participation with them, by utilizing, enforcing and maintaining a policy, custom, practice, scheme or usage arbitrarily, intentionally, and systematically segregating Negro prisoners in state, county, city and town penal institutions, penitentiaries and jails, are violating the Eighth and Fourteenth Amendments of the Constitution of the United States and the laws of the United States made pursuant thereto and that the exclusion of Negroes from employment in said penal institutions, penitentiaries and jails and as deputy sheriffs in Alabama is in violation of the Fourteenth Amendment of the Constitution of the United States and the laws of the United States made pursuant thereto.

(14) There is between the parties an actual controversy as herein set forth. The plaintiffs and others similarly situated and affected on whose behalf this suit is brought are suffering irreparable injury and are threatened with irreparable injury in the future by reason of the acts herein complained of; they have no plain adequate or complete remedy to redress the wrongs and unlawful acts herein complained of, other than this action for a declaration of rights and an injunction; any other remedy to which plaintiffs and those similarly situated could be remitted would be attended by such uncertainties and delays as to deny substantial relief, would involve multiplicity of suits, cause further irreparable injury, damage and inconvenience to the plaintiffs and those similarly situated.

Wherefore, Premises Considered, on all causes of action, separately and severally, plaintiffs respectfully pray that [fol. 8] this Court take jurisdiction of this case, that a special three-judge court be called to hear and determine this case as by law provided in 28 United States Code, §2281 et seq., that it issue a temporary restraining order or a preliminary injunction to be made permanent later against all named defendants, their officers, agents, servants, employees, or attorneys and those persons in active concert or participation with them; and plaintiffs further pray that the Court advance this case on the docket and order a speedy hearing thereof and upon such hearing adjudge, decree and declare the rights and legal relations of the parties hereto in order that such declaration shall have the force and effect of a final judgment or decree; and plaintiffs further pray that the Court enter a judgment or decree declaring the practice, policy, custom, or usage of the defendants, their officers, agents, servants, employees or attorneys and those persons in active concert or participation with them, in segregating Negro prisoners, or otherwise treating them on a basis different from whites, solely on the basis of their race, in state, county, city and town penal institutions, penitentiaries and jails, to be in violation of the laws and Constitution of the United States.

Plaintiffs further pray that the defendants, their agents, officers, servants, employees or attorneys and those persons in active concert or participation with them, be temporarily and permanently enjoined from segregating Negro prisoners or excluding Negroes from employment or otherwise treating Negroes on a basis different from whites, solely on the account of their race in state, county, city and town penal institutions, penitentiaries and jails, enforcing the provisions of Sections 4, 19, 30, 52, 121, 122, 123, 172, 177, and 183, Title 45, Code of Alabama (Recomp. 1958) insofar as they apply to racial segregation, designa-
[fol. 9] tion or classification of prisoners on the basis of race and any other statutes, customs, rules, usages, practices or policies that provide for differing treatment, designation, or classification of prisoners or employees or prospective employees solely on the basis of race.

And, plaintiffs further respectfully pray that, in order to assure that the judgment of this Honorable Court be properly enforced, the defendants, their officers, agents, servants, employees or attorneys and those persons in active concert or participation with them be ordered to take affirmative action in eliminating racial segregation, designations or classifications or restrictions on employment in the state, county, city and town penal institutions, penitentiaries and jails of Alabama and in the employment of deputy sheriffs in Alabama.

Respectfully submitted,

Charles Morgan, Jr., 5 Forsyth Street, N.W., Atlanta, Georgia; Orzell Billingsley, Jr., 1630 Fourth Avenue North, Birmingham, Alabama; Melvin L. Wulf, 156 Fifth Avenue, New York, New York.

[fol. 10]

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

(NORTHERN DIVISION)

Civil Action No. 2350-N

[Title omitted]

MOTION FOR PRELIMINARY INJUNCTION—Filed February 18, 1966

On the complaint heretofore filed herein and the exhibits attached thereto, the Plaintiffs move this Court to issue a preliminary injunction enjoining the defendants, their agents, servants, employees, and attorneys and all persons in active concert and participation with them, pending the final hearing and determination of this action from:

1. Enforcing against plaintiffs and the class they represent the statutory provisions more fully mentioned in the Complaint filed herein on the grounds of their unconstitutionality on their face and in their application.

[File endorsement omitted]

2. Excluding Negroes, solely on the basis of their race from employment, in the state, county, city or town penitentiaries, prisons or jails of Alabama.

3. Excluding Negroes, solely on the basis of their race, from employment as deputy sheriffs in Alabama.

Further grounds of this motion are that:

1. The injury to the plaintiffs and the class they represent will be irreparable even with final judgment for the plaintiffs.

[fol. 11] 2. No injury will be sustained by the defendants or by the public through the issuance of a preliminary injunction.

3. The issuance of a preliminary injunction as prayed for herein will not cause undue inconvenience or loss to defendants, but will prevent irreparable injury to plaintiffs.

Plaintiffs further move this Court to convene for the purpose of hearing and determining the application for a preliminary injunction and this cause the statutory court of three judges, at least one of whom shall be a circuit judge, which such statutory court has been established in accordance with the provisions of Section 2281, Title 28, United States Code.

Respectfully submitted,

Charles Morgan, Jr., 5 Forsyth Street, N.W., Atlanta, Georgia; Orzell Billingsley, Jr., 1630 Fourth Avenue North, Birmingham, Alabama; Melvin L. Wulf, 156 Fifth Avenue, New York, New York.

[fol. 12]

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

Civil Action No. 2350-N

[Title omitted]

MOTION OF FRANK LEE, ET AL. TO DISMISS— Filed March 4, 1966

Now come the defendants Frank Lee, as Commissioner of Corrections of Alabama, John F. Britton, Charles Cashion, Herschell Luttrell, Dr. Max McLaughlin and William Mitch, as Members of the Board of Corrections of Alabama, and move to dismiss the complaint and separately each cause of action or claim stated therein on the following grounds:

1. Lack of jurisdiction over the subject matter.

2. Lack of jurisdiction over the person.

3. Failure to state a claim upon which relief can be granted.

4. Lack of standing to sue because of their standing as law violators.

5. Lack of standing to sue because no alleged constitutional equality exists between those convicted of crime and persons who have not been so convicted.

6. The paramount right of the State under its police power to handle and provide for persons convicted of crime.

Richmond M. Flowers, As Attorney General of Alabama; Gordon Madison, As Assistant Attorney General of Alabama, Attorneys for said defendants.

[File endorsement omitted]

[fol. 13] Certificate of Service (omitted in printing).

[fol. 14]

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

Civil Action No. 2350-N

[Title omitted]

MOTION OF SHERIFF TO DISMISS—Filed March 11, 1966

Now comes A. Melvin Bailey as Sheriff of Jefferson County, Alabama, and moves to dismiss this action against him upon the following separate and several grounds:

1. The court has no jurisdiction over his person because he is incorrectly named in said process as Melvin L. Bailey, when in truth and in fact there is no such person as Melvin L. Bailey, Sheriff of Jefferson County, Alabama.

2. Said complaint wholly fails to state cause of action against this defendant.

[fol. 15] 3. The Court has no jurisdiction over his person because he is a resident citizen of and sheriff of Jefferson County, Alabama which is in the Northern District of the State of Alabama and that any cause of action against him should either be dismissed or transferred to the United States District Court for the Northern District of Alabama.

4. Said complaint wholly fails to state any facts upon which relief could be granted against the defendant.

5. For there is a misjoinder of parties defendant.

6. For there is a nonjoinder of necessary parties.

7. It appears from the facts alleged in said complaint that there is no sum in controversy and the allegations of said complaint that the matter in controversy exceeds the sum of $10,000.00 is a mis-statement of fact made solely for the purpose of attempting to invoke the jurisdiction of this court.

Dominick, Fletcher & Yeilding, By Walter Fletcher, Attorneys for A. Melvin Bailey, Sheriff of Jefferson County, Alabama.

[fol. 16] Verified by A. Melvin Bailey (jurat omitted in printing).

[fol. 17]

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

Civil Action No. 2350-N

[Title omitted]

ORDER CONVENING THREE-JUDGE COURT—March 21, 1966

The Honorable Frank M. Johnson, Jr., United States District Judge for the Middle District of Alabama, to whom an application for injunction and other relief has been presented in the above styled and numbered cause, having notified me that the action is one required by act of Congress to be heard and determined by a district court of three judges, I, Elbert P. Tuttle, Chief Judge of the Fifth Circuit, hereby designate Honorable Richard T. Rives, United States Senior Circuit Judge, and Honorable Seybourn H. Lynne, United States District Judge for the Northern District of Alabama, to serve with Judge Johnson as members of, and with him to constitute the said court to hear and determine the action.

Witness my hand this 21st day of March, 1966.

Elbert P. Tuttle, Chief Judge, Fifth Circuit.

[fol. 18]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
(NORTHERN DIVISION)

Civil Action No. 2350-N

[Title omitted]

MOTION TO AMEND COMPLAINT—Filed April 2, 1966

Come now the plaintiffs in this cause who hereby move this honorable Court to amend the style of the complaint herein to read as above set forth and to amend their complaint as follows:

In Section Four (4), Paragraph Three (3), the name "Melvin L. Bailey" should be deleted and the name "A. Melvin Bailey" inserted therein in its place and stead.

In Section Five (5), Sentence Five (5), the name "Melvin L. Bailey" should be deleted and the name "A. Melvin Bailey" inserted therein in its place and stead.

[fol. 19] In Section Five (5), Sentence Eight (8), the name "Melvin L. Bailey" should be deleted and the name "A. Melvin Bailey" inserted therein in its place and stead.

Respectfully submitted

Charles Morgan, Jr., 5 Forsyth Street, N.W., Atlanta, Georgia; Orzell Billingsley, Jr., 1630 Fourth Avenue North, Birmingham, Alabama; Melvin L. Wulf, 156 Fifth Avenue, New York, New York.

[File endorsement omitted]

[fol. 20] Certificate of Service (omitted in printing).

[fol. 21]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
Civil Action No. 2350-N

[Title omitted]

ORDER GRANTING MOTION FOR LEAVE TO AMEND COMPLAINT— April 5, 1966

This cause is now submitted upon the motion of the plaintiffs seeking leave of the Court to amend their complaint by substituting the name "A. Melvin Bailey" for the name "Melvin L. Bailey" in Sections (4) and (5).

Upon consideration of said motion to amend, and for good cause, it is the Order, Judgment and Decree of this Court that the motion of the plaintiffs to amend their complaint by substituting the name "A. Melvin Bailey" for the name "Melvin L. Bailey" in Sections (4) and (5), should be and the same is hereby granted.

Done, this the 5th day of April, 1966.

Frank M. Johnson, Jr., United States District Judge.

[fol. 22]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
Civil Action No. 2350-N

MOTION OF WARDEN TO DISMISS—Filed April 25, 1966

Now comes Robert K. Austin as Warden of the City Jail of Birmingham, Alabama, and moves to dismiss this action against him upon the following separate and several grounds:

1. Said complaint wholly fails to state cause of action against this defendant.

[File endorsement omitted]

2. The Court has no jurisdiction over his person because he is a resident citizen of Birmingham, Jefferson County, Alabama, which is in the Northern District of the State of Alabama and that any cause of action against [fol. 23] him should either be dismissed or transferred to the United States District Court for the Northern District of Alabama.

3. Said complaint wholly fails to state any facts upon which relief could be granted against the defendant.

4. For there is a misjoinder of parties defendant.

5. For there is a nonjoinder of necessary parties.

6. It appears from the facts alleged in said complaint that there is no sum in controversy and the allegations of said complaint that the matter in controversy exceeds the sum of $10,000.00 is a mis-statement of fact made solely for the purpose of attempting to invoke the jurisdiction of this court.

J. M. Breckenridge, Earl McBee, Attorneys for Robert K. Austin, as Warden of the City Jail of Birmingham, Alabama, Address: 600 City Hall, Birmingham, Alabama.

Certificate of Service (omitted in printing).

[fol. 24]

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

Civil Action No. 2350-N

[Title omitted]

ORDER RE MOTIONS TO DISMISS, ETC.—June 8, 1966

It is Ordered that the several motions to dismiss, heretofore filed in this cause, be and they are hereby carried with the case.

[File endorsement omitted]

The defendants are Ordered and Directed to file responsive pleadings to the complaint within ten days from the date of this order.

Done, this the 8th day of June, 1966.

Frank M. Johnson, Jr., United States District Judge.

[fol. 25]

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

(NORTHERN DIVISION)

Civil Action No. 2350-N

[Title omitted]

INTERROGATORIES TO ROBERT K. AUSTIN, WARDEN OF THE CITY JAIL OF BIRMINGHAM, ALABAMA—Filed June 9, 1966

You are hereby notified to answer under oath the interrogatories below within fifteen (15) days of the time of service made upon you in accordance with Rule 33 of the Federal Rules of Civil Procedure. If any part of the following interrogatories cannot be answered in full, please answer to the extent possible. If you are unable to answer any of the interrogatories, or a part or parts thereof, please specify the reason for your inability to answer and state what other information or knowledge you have concerning the unanswered portion.

(1). By whom are you employed?

(2). Who is your immediate superior?

(3). What correction or detention institutions are within your jurisdiction or authority and where are they located?

(4). Please furnish a list of all persons employed by you as Warden of the City Jail of Birmingham, and all those employees who are responsible to you in the normal exercise of their duties.

[File endorsement omitted]

[fol. 26] (5). Which of the above employees according to class of employment, that is (a) jailers, (b) wardens, (c) custodians, (d) stewards, (e) cooks, (f) clerical and office employees, and (g) all classes of employees, are Negro and which are white?

(6). Explain the general procedures and practices of the City Jail of the City of Birmingham: (a) the contacting, screening and hiring of employees, (b) considerations and practices involved in assigning employees to types or classes of employment, and (c) practices and procedures involved in termination of employment.

(7). Title 45, Section 122, Code of Alabama (Recompiled 1958) provides in part that "it shall be unlawful for any sheriff, or jailer, or other keeper of the jail or the town or city prison to confine in the same room or apartment of any jail or prison white and Negro prisoner;" (a) Are you familiar with the above provision of Alabama law? (b) Has this provision of Alabama law been, and is it presently being enforced by you or by those under your supervision?

(8). Title 45, Section 123, *ibid.* provides in part: "any jailer or sheriff having the charge of white and colored prisoners before conviction, who imprisons them permanently together in the same apartment of any jail, or other place of safe keeping, if there is a sufficient number of apartments to keep them separate, must, on conviction, be fined not less than $50.00 nor more than $100.00." (a) Are you familiar with the above provisions of Alabama law? (b) Has this provision of Alabama law been and is it presently being enforced by you or by those under your [fol. 27] supervision? (c) Have you ever been arrested or convicted for violation of the above statute or any other statute requiring the racial segregation of prisoners?

(9). Are the correction and detention institutions under your management and control segregated on the basis of the race of prisoners?

(10). What facilities within the correction institutions under your jurisdiction are used in common by white and Negro prisoners and which are used on the basis of a racial classification?

(11). Does the City Jail of the City of Birmingham segregate prisoners on the basis of their race?

(12). Section 121, Title 45, *ibid.* provides in part: "White and colored prisoners, before conviction, must also be kept separate and apart, if there be a sufficient number of apartments for that purpose." Does your office and/or do you comply with the above provision of Alabama law? If yes, in what way?

(13). Title 45, Section 183, *ibid.* provides in part: "Each county jail, or town or city prison, must be of sufficient size and strength to contain and keep securely the prisoners confined therein; and must contain at least four separate apartments, one for white men, and one for white women, one for Negro men, and one for Negro women. . . . including separate bath facilities for whites and Negroes." Is the above provision of Alabama law being enforced by you in those correction and detention institutions which are subject to your management and control?

(14). Title 45, Section 172, *ibid.* provides in part: "The [fol. 28] court of county commissioners, the board of revenue, or city council, shall provide adequate janitor service for, and shall enforce cleanliness in their respective jails; shall provide bathing facilities separate for Negroes and whites,". Is the above provision of Alabama law being enforced by you in those correction and detention institutions which are subject to your management and control?

(15). Title 45, Section 177, *ibid.* provides in part: "The sheriff of each county in this state, and the chief of police or town marshal, shall mail to the department, not later than the tenth of each month, a full and complete statement for the previous month of the number of prisoners in jail, or in the town or city prison, designating them by races and sex,." (a). Is the above provision of Alabama law being complied with by the chief of police of the City of Birmingham? (b). Do you provide the chief of police of the City of Birmingham with information upon which such a report could be based? (c). If your answer to (b) herein is in the affirmative please attach a copy of each document providing such information (the date of which next precedes the date of service upon you of these interrogatories) to your answers to these interrogatories.

(16). (a) Do you, or have you, as Warden of the City Jail of the City of Birmingham received into your custody persons under any criminal charge or offense against the United States, according to the provisions of Title 45, Section 136, *ibid.?* (b) In connection with any contract [fol. 29] or agreement between the United States, or its lawful representative, and the City Jail of the City of Birmingham for the applicable jail fees, charges for feeding, and compensation for the use of the jail and the above prisoners, if any, has the City Jail of the City of Birmingham executed any statement setting out its compliance with Title VI of the Civil Rights Act of 1964? (c) Attach a copy of such compliance statement, if any. (d) What is the total per day charge, including all fees for maintenance, to the United States for the keeping of prisoners pursuant to Title 45, Section 136, *ibid.?* (e) Attach a copy of any agreement or contract for the keeping of such prisoners, and if no such written contract or agreement exists, then state the terms and conditions of such verbal agreement, if any.

(17). (a). Does the City Jail of the City of Birmingham have, or has it ever had, a contract with the United States, or any agency thereof, for the hiring or employment of prisoners under the jurisdiction or supervision of the City Jail? (b) In connection with such contract or agreement, if any, has the city jail ever executed a compliance statement with Title VI of the Civil Rights Act of 1964? (c) Attach a copy of such statement, if any. (d) What is the total per day charge, including maintenance costs and other fees, to the United States, or its agent, for the use of prisoners pursuant to such contract or agreement, if any? (e) What are the terms and conditions of such contract, if any?

[fol. 30] Respectfully submitted,

Laughlin McDonald, 5 Forsyth Street, N.W., Atlanta, Georgia.

[fol. 31] Certificate of Service (omitted in printing).

[fol. 32]

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

(NORTHERN DIVISION)

Civil Action No. 2350-N

[Title omitted]

INTERROGATORIES TO A. MELVIN BAILEY, SHERIFF OF JEFFERSON COUNTY, ALABAMA—Filed June 9, 1966

You are hereby notified to answer under oath the interrogatories below within fifteen (15) days of the time of service made upon you in accordance with Rule 33 of the Federal Rules of Civil Procedure. If any part of the following interrogatories cannot be answered in full, please answer to the extent possible. If you are unable to answer any of the interrogatories, or a part or parts thereof, please specify the reason for your inability to answer and state what other information or knowledge you have concerning the answered portion.

(1). Are you an employee of the State of Alabama?

(2). How long have you been an employee of the State of Alabama and in what capacity?

(3). In general detail please list the nature and extent of your duties.

[File endorsement omitted]

(4). List all the correction institutions in Jefferson County subject to your management and control or sub- [fol. 33] ject to the management or control of a person or persons in your employ.

(5). List those other correction institutions in the county, if any, in which you or your office serve in an advisory, consulting, or other capacity.

(6). List all employees employed in the Jefferson County Sheriff's office according to their respective job classifications, to wit: (a) guards, (b) jailers and custodians, (c) stewards, (d) clerical and other office employees, (e) cooks and related service personnel, (f) all other classifications. How many of the above employees are members of the Negro race and how many are members of the Caucasian or white race according to particular job classification?

(7). What percent of the total employees of the Jefferson County Sheriff's office are members of the Negro race and what percent are members of the Caucasian race?

(8). Explain the procedures followed by the Jefferson County Sheriff's office in its screening, hiring, type and duration of employment, and termination of employment, including the method by which individuals are assigned to types or classifications of employment.

(9). Title 45, Section 74, Code of Alabama (Recompiled 1958) provides in part that "all laws of this State and rules of the department in regards to state convicts shall apply also to county convicts as far as applicable, except as otherwise provided by law." Title 45, Section 4, *ibid.*, provides in part that "there shall be proper separation of convicts from free persons, whites from blacks, ..." [fol. 34] Title 45, Section 19, *ibid.*, requires in part that certain reports must be made to the Governor of Alabama setting out the "ages, race, and sex" of convicts being held in each county. Title 45, Section 30, *ibid.*, requires in part that "it is the duty of the department, upon the reception of any convict into the penitentiary, to take his height, name, age, complexion, color of his hair and eyes, fingerprints, photograph,". Title 45, Section 52, *ibid.,* requires in part that "it shall be unlawful for white and colored convicts to be chained together or to be allowed to sleep together; . . . . Whenever in the judgment of the Governor and the Director, it is practicable to do so, arrangements shall be made for keeping white and colored convicts at separate prisons and they shall not be allowed to be kept at the same place." Are you aware of all, or any, of the above provisions of Alabama law and are they being enforced or complied with by you as Sheriff of Jefferson County?

(10). If the above provisions of Alabama law are being enforced or complied with by you and your office, state in what way.

(11). Do the various reports made by your office to the Governor of the State of Alabama make a classification of prisoners under your jurisdiction on the basis of race? If so attach to your answers to these interrogatories a copy of each of the three reports so made by you, the dates of which next precede the date upon which you were served with these interrogatories.

(12). Do the records kept by your office on convicts make a classification of such convicts on the basis of race [fol. 35] or complexion?

(13). Are white and Negro convicts under your control or jurisdiction (a) chained together, (b) allowed to sleep together, (c) allowed to attend religious services together, (d) allowed to participate in athletic and other recreational events together, or (e) use any of the facilities of those correction institutions within your jurisdiction in common? If the answer to any of the above is in the negative, state fully the nature of such segregation in the use of such prison facilities.

(14). Are white and Negro convicts kept at separate prisons and if so what are the names of such separate prisons?

(15). In those prisons or jails where white and Negro convicts are kept together, are the facilities therein segregated, and if so what is the nature of such segregation?

(16). Does the Jefferson County Jail have a contract or contracts or other arrangements or agreements with the United States regarding the incarceration or employment of Federal prisoners or any other kind or type of contract regarding such prisoners? If so, please attach a copy of each such contract or agreement to these interrogatories or, in the event such contracts or agreements are not in writing please set out their terms and provisions in your answer hereto. Are Federal prisoners and state prisoners treated differently? How?

(17). How much money, if any, is collected from the United States pursuant to any contract or agreement for the incarceration, employment or handling of United [fol. 36] States prisoners and the office of the Sheriff of Jefferson County, Alabama?

(18). Pursuant to such contract or agreement with the United States, or in any other connection, has the office of the Sheriff of Jefferson County ever executed a statement of compliance with Title VI of the Civil Rights Act of 1964? If yes, attach a copy of such statement of compliance.

(19). Title 45, Section 121, *ibid.*, provides: "men and women, except husband and wife, must not be kept in the same room; and white and colored prisoners, before conviction, must also be kept separate and apart, if there be a sufficient number of apartments for that purpose." Do you and your office comply with the above provision of Alabama law? If yes, please describe the physical location of the facilities in which white and Negro prisoners are kept separate and apart, and in which of the various jails or prisons within your jurisdiction as Sheriff of Jefferson County?

(20). Title 45, Section 122, *ibid.*, requires: "any jailer or sheriff having the charge of white and colored prisoners before conviction, who imprisons them permanently together in the same apartment of any jail, or other place of safe keeping, if there is a sufficient number of apartments to keep them separate must, on conviction, be fined not less than $50.00 nor more than $100.00. To the best of your knowledge, is the above provision of Alabama law regarding the handling and segregating of prisoners in correction and detention institutions being enforced by [fol. 37] the State of Alabama? (a). Have you, or has anyone under your authority or control, ever been charged with, or convicted of, a violation of the above statute?

(21). Are those correction and detention institutions within your jurisdiction and authority segregated on the basis of race as provided for by Alabama State law?

(22). Title 45, Section 177, *ibid.*, requires in part that "the sheriff of each county in this State shall mail to the department . . . a full and complete statement for the previous month the number of prisoners in jail, or in the town or city prison, designating them by race and sex, ..." As Sheriff of Jefferson County, Alabama, do you comply with the above provision of Alabama law?

(a). In your monthly departmental report do you in fact make a classification of prisoners within your jurisdiction and control on the basis of their race?

(23). Title 45, Section 172, *ibid.*, requires that the county governing body provide "bathing facilities separate for Negroes and whites." Is the above provision of Alabama law being complied with in those facilities under your jurisdiction and authority?

(24). Are the bathing facilities in the correction and detention institutions under your authority and jurisdiction segregated on the basis of race in the use and maintenance of bathing facilities?

(25). Title 45, Section 183, *ibid.*, requires in part that "each county jail or city prison, must be of sufficient size and strength to contain and keep securely the prisoners confined therein; and must contain at least four separate [fol. 38] apartments, one for white men, and one for white women, one for Negro men, and one for Negro women. It shall be fire-proof, properly ventilated . . . . containing adequate sanitary plumbing, and sewage connections, including separate bath facilities for whites and Negroes." Are all the above provisions of Alabama law being substantially complied with by your office, and in what manner are Negroes segregated from whites in such facilities, and are there separate bathing facilities for whites and Negroes according to the provisions of Section 183?

Respectfully submitted,

Laughlin McDonald, 5 Forsyth Street, N.W., Atlanta, Georgia.

[fol. 39] Certificate of Service (omitted in printing).

[fol. 40]

In the United States District Court
For the Middle District of Alabama
(Northern Division)

Civil Action No. 2350-N

[Title omitted]

Interrogatories to Frank Lee, Commissioner of Corrections of Alabama—Filed June 9, 1966

You are hereby notified to answer under oath the interrogatories below within fifteen (15) days of the time of

[File endorsement omitted]

service made upon you in accordance with Rule 33 of the Federal Rules of Civil Procedure. If any part of the following interrogatories cannot be answered in full, please answer to the extent possible. If you are unable to answer any of the interrogatories, or a part or parts thereof, please specify the reason for your inability to answer and state what other information or knowledge you have concerning the unanswered portion.

(1). Please state your full name.

(2).. What is your occupation?

(3). Are you employed by the State of Alabama?

(4). Which of the state, county, and/or municipal correction and detention facilities in the State of Alabama are under the jurisdiction or supervision of your office, and which of the above do you or your office serve in an advisory, consulting or other related capacity?

(5). State in general detail the nature and extent of your duties as Commissioner of Corrections of Alabama.

[fol. 41] (6). Is the attached list of persons taken from the Alabama Official and Statistical Register of 1963, an accurate, complete, and up to date list of all persons employed by the Alabama Board of Corrections, and all persons employed at those correction and detention facilities under your jurisdiction and supervision?

(7). If the answer to number six is in the negative, please delete and/or add such names of persons as is appropriate so as to make the list thereof accurate, complete and up to date.

(8). Which of the above persons employed by the State of Alabama are white and which are Negro?

(9). What percent, if any, and according to category, of the (a) wardens, (b) guards, (c) office and clerical employees, (d) laborers, (e) stewards, (f) all other classifications of employees, are Negro?

(10). What percent of the Alabama Board of Corrections is Negro?

(11). Describe the practices and procedures of the Alabama Board of Corrections in the contracting, screening, and hiring of employees, and the method by which persons are assigned to specific classes of employment.

(12). Title 45, Section 52, Code of Alabama (Recompiled 1958), reads in part: "It shall be unlawful for whites and colored convicts to be chained together or to be allowed to sleep together. . . . Whenever in the judgment of the Governor and the director, it is practicable to do so arrangements shall be made for keeping white and colored convicts at separate prisons [fol. 42] and they shall not be allowed to be kept at the same place.". Is the above set out provision of Alabama law being enforced by you or by the Board of Corrections? If yes, set out the nature of such enforcement.

(13). Are white and Negro convicts of the same sex allowed to (a) sleep together, (b) eat together, (c) participate in athletic and other recreational activities together, (d) attend religious services together, (e) use in common the general facilities of each correctional institution administered by the Board of Corrections?

(14). Are white and Negro convicts kept at separate prisons, and if yes, in what manner?

(15). What percent of white and Negro prisoners are inmated at which of the various prisons administered by the Board of Corrections?

(16). Title 45, Section 4, *ibid.*, provides in part: "there shall be proper separation of convicts from free persons, whites from blacks, males from females, in such hospital or place of detention." Is this provision of Alabama law being enforced by the Alabama Board of Corrections? What is the exact nature of the "proper separation" of convicts on the basis of race in the hospitals and places of detention set out in Section 4 above?

(17). Title 45, Section 19, *ibid.*, provides in part that "the director must, at least sixty days before the commencement of each session of the legislature, make to the Governor a report of the convict system during the two years ending the 30th day of September preceding said session. The report shall show the number of [fol. 43] convicts, the offense for which they were convicted, the number from each county, the number sentenced for life, and for different periods, the ages, race, and sex;". Is such a report presently being made by you or your office to the Governor, and is the information requested in Section 19 above being supplied, including a classification of prisoners on the basis of race?

(18). Title 45, Section 30, *ibid.*, provides in part that "it is the duty of the department, upon the reception of any convict into the penitentiary, to take his height, name, age, complexion, color of his hair and eyes, fingerprints, photograph, the place of his nativity, the county in which he was convicted, the nature of the crime and their period of imprisonment;". Is this provision of Alabama law being enforced by, or complied with, by the Board of Corrections? Is there made in the permanent records of each convict a classification as to his or her race?

(19). Title 45, Section 52, *ibid.*, provides in part: "It shall be unlawful for white and colored convicts to be chained together or to be allowed to sleep together;."

Title 45, Section 121, *ibid.*, provides: "Men and women, except husband and wife, must not be kept in the same room; and white and colored prisoners, before conviction, must also be kept separate and apart, if there be a sufficient number of apartments for that purpose." Section 122, *ibid.*, provides: "It shall be unlawful for a sheriff or jailer, or other keeper of the jail or the town or city prison, to confine in the same room or [fol. 44] apartment of any jail or prison white and Negro prisoners; and men and women, except husband and wife, must not be kept in the same room or apartment." Section 123, *ibid.*, provides: "Any jailer or sheriff, having the charge of white and colored prisoners before conviction, who imprisons them permanently together in the same apartment of any jail, or other place of safe keeping, if there is a sufficient number of apartments to keep them separate, must, on conviction, be fined not less than $50.00 nor more than $100.00." (a) Are you personally familiar with the above provisions of Alabama State Law? (b) To the best of your knowledge, are the above provisions of Alabama State Law being enforced in the respective counties by the sheriff or jailer thereof in the correction and detention facilities within their respective authority and control? (c) Is it the responsibility of the Board of Corrections to insure the proper administration of the above provisions of Alabama law, and does the Board of Corrections insure the proper compliance therewith by the county sheriffs or jailers? (d) If the answer to any of the above questions is in the affirmative, state fully in what way compliance is had.

(20). (a) Do you, or have you as Commissioner of the Alabama Board of Corrections, received into your custody persons under any criminal charge or offense against the United States? (b) In connection with any contract or agreement between the United States, or its lawful representative, and the Alabama Board [fol. 45] of Corrections, for the applicable jail fees, charges for feeding, and compensation for the use of facilities by the above prisoners, if any, has the Board of Corrections executed a statement setting out its compliance with Title VI of the Civil Rights Act of 1964? (c) Attach a copy of such compliance statement, if any. (d) What is the total per day charge, including all fees for maintenance, to the United States for the keeping of any prisoners held under any criminal charge or offense against the United States? (e) Attach a copy of any agreement or contract for the keeping of such prisoners, and if no such written contract or agreement exists, then state the terms and conditions of such verbal agreement, if any.

(21). (a) Does the Alabama Board of Corrections have, or has it ever had, a contract with the United States, or any agency thereof, for the hiring or employment of prisoners under the jurisdiction or supervision of the Alabama Board of Correction? (b) In connection with such contract or agreement, if any, has the Alabama Board of Corrections ever executed a compliance statement with Title VI of the Civil Rights Act of 1964? (c) Attach a copy of such statement, if any, and if no such written contract or agreement exists, then state the terms and conditions of such verbal contract or agreement, if any. (d) What is the total per day charge, including maintenance costs and all other fees, to the United States, or its agent, for the use of prisoners pursuant to such contract or agreement, if [fol. 46] any? (e) Attach a copy of such statement, if any, and if no such written contract or agreement exists, then state the terms and conditions of such verbal contract or agreement, if any.

Respectfully submitted,

Laughlin McDonald, 5 Forsyth Street, N.W., Atlanta, Georgia.

[fol. 47] Certificate of Service (omitted in printing).

[fol. 48]

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

Civil Action No. 2350-N

[Title omitted]

ORDER SETTING CASE FOR TRIAL—June 13, 1966

It is Ordered that the above-styled cause be and the same is hereby set for trial on its merits commencing at 10 a.m., Monday, October 3, 1966, in the United States District Court, Montgomery, Alabama.

Done, this the 13th day of June, 1966.

Frank M. Johnson, Jr., United States District Judge.

[File endorsement omitted]

[fol. 49]

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

Circuit Action No. 2350-N

[Title omitted]

ANSWER OF DEFENDANT FRANK LEE, AS COMMISSIONER OF CORRECTIONS OF ALABAMA; AND OTHER DEFENDANTS, AS MEMBERS OF THE BOARD OF CORRECTIONS OF ALABAMA—Filed June 14, 1966

Now comes the defendants, Frank Lee, as Commissioner of Corrections of Alabama; John F. Britton; Charlie

[File endorsement omitted]

Cashion; Herschell Luttrell; Dr. Max McLaughlin; and William Mitch, as Members of the Board of Corrections of Alabama, and for answer to the Complaint say as follows:

1. The allegations of Paragraphs 1, 2, 8, 10, 12, 13, and 14 of the Bill of Complaint are denied.

2. There is nothing for these defendants to answer in Paragraphs 9 and 11 of the Bill of Complaint.

3. The allegations of Paragraphs 4, 5, 6 and 7 are admitted.

4. Defendants are not sufficiently informed as to the alleged facts as to other places and other defendants to answer Paragraph 3 of the Complaint, but denies, as to those under their jurisdiction and authority, that the persons named in Paragraph 3 have been incarcerated in or under unconstitutional racially segregated circumstances.

[fol. 50]

First Defense

These defendants aver that although analogies to instances of previous judicial intervention to prevent racial discrimination in schools, housing, recreational facilities, and employment may seem at first inviting, upon careful scrutiny one should be convinced that the differences between these areas and prisons are far more significant than are the similarities; the association between men in correctional institutions is closer and more fraught with physical danger and psychological pressures than is almost any other kind of association between human beings. Moreover, a great many of the inmates of correctional institutions are dangerous men, and those charged with supervising them understandably have less confidence in their ability to adapt peacefully to changed social conditions than one would have in men who reside in society at large; that the operation of penal institutions is a highly specialized endeavor and the sober judgment of experienced correctional personnel deserves the most careful consideration by this court; that any separation of the races in the systems under defendants' jurisdiction has in good faith been based upon the above facts and not because of any unconstitutional deprivation of any rights because of alleged discrimination on account of race or color.

Second Defense

That the statutes of the State of Alabama set forth in the complaint can be given a field of operation, or can be construed by this court so as not to offend any provisions of the United States Constitution, for separation of the [fol. 51] races when related to convicts and prisons, their health, safety and welfare can legally be made under certain circumstances without violating any provisions of the United States Constitution.

Richmond M. Flowers, As Attorney General of the State of Alabama; Gordon Madison, As Assistant Attorney General of the State of Alabama, Attorneys for said defendants.

Certificate of Service (omitted in printing).

[fol. 52]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
Civil Action No. 2350-N

[Title omitted]

ANSWERS OF DEFENDANT FRANK LEE TO PLAINTIFFS' INTERROGATORIES—Filed June 14, 1966

Now comes the defendant, Frank Lee, and for answer to the interrogatories propounded to him by plaintiffs, the

[File endorsement omitted]

numbers of his answers corresponding to the numbers of the questions, says as follows:

(1) A. F. Lee (Abiel Frank Lee).

(2) Commissioner, Board of Corrections.

(3) Yes.

(4) Atmore Prison, Kilby Prison, No. Four Honor Camp, Draper Correctional Center, Frank Lee Youth Center, State Cattle Ranch, Trusty Barracks, Julia Tutwiler Prison for Women; Camp Alex City, Camp Auburn, Camp Chatom, Camp Childersburg, Camp Cullman, Camp Dothan, Camp Eight Mile, Camp Elba, Camp Evergreen, Camp Fayette, Camp Fort Payne, Camp Grive Hill, Camp Guntersville, Camp Hamilton, Camp Hollis, Camp Livingston, Camp Loxley, Camp Maplesville, Camp Selma, Camp Thomaston, Camp Troy, Camp Tuscaloosa, Camp Union Springs; county jails, and city jails of cities with population of ten thousand or over.

(5) Title 45, Section 11, Code of Alabama 1940:—Powers and Duties of the director.—The director shall superintend the management of the convicts, and all subordinate officers, persons, or guards. It shall be his duty to see that the laws in relation to convicts and the rules of the department are enforced; and his orders shall be obeyed by [fol. 53] all officers, guards, and convicts. He has the general oversight of all of the officers and convicts and of the lands and other property belonging to the several prisons.

(6) No.

(7), Correct and accurate list attached.

(8) All white.

(9) None.

(10) None.

(11) All personnel with the exception of the Commissioner, two Deputy Commissioners and Administrative

Assistant are employed from a list of those who have successfully passed the Merit System examination. Merit System examinations are given under the supervision of the State Personnel Board, and for specific classifications of employment.

(12) At the following institutions it has been impracticable to assign only one race: Atmore Prison, Kilby Prison, Trusty Barracks, No. Four Honor Farm, Draper Correctional Center and Julia Tutwiler Prison for Women.

(13) (a) No.

(b) No.

(c) Yes.

(d) No.

(e) No.

(14) No.

(15) List of percentages of assignments attached.

(16) Yes. The nature of proper separation in the hospital facilities administered by the Board of Corrections simply means that whites are housed on one wing of the hospital and colored on another wing of the hospital. In other places of detention white prisoners sleep in one wing of the prison and colored sleep in another wing. Both races [fol. 54] use the same dining facilities but do not sit together at the tables.

(17) Such report is made but the information is furnished to the Board of Corrections; however, the information is available to anyone.

(18) Yes.

(19) (a) Yes.

(b) Yes.

(c) We know of no jail facility where prisoners cannot be separated as provided by law.

(d) Yes. Inspections made by the Board of Corrections denoted no violations of any of the laws.

(20) (a) Yes.

(b) No.

(c) None.

(d) $2.65

(e) Copy of contract attached.

(21) No.

Frank Lee.

[fol. 55] *Duly sworn to by Frank Lee, jurat omitted in printing.*

[fol. 56] Certificate of Service (omitted in printing).

[fol. 57]

ATTACHMENTS TO ANSWER OF FRANK LEE TO PLAINTIFF'S INTERROGATORIES

YOUTH CENTER

Frank Lee Youth Center
P. O. Box 158
Deatsville, Alabama

Barton, Marlin C.
4233 Hickory Drive
Montgomery, Alabama

Bridgman, R. Miles
Rt. 1
Prattville, Alabama

Bush, Annie Ruth
206 West Bridge Street
Wtumpka, Alabama

Cummings, John P.
Rt. 4, Box 65
Opelika, Alabama

Hare, Jean Wynne
Rt. 1, Box 220A
Prattville, Alabama

Harris, Billie Ruth
3620 Willowland Dr.
Montgomery, Alabama

Kimball, John Ross
36 Beech Hills
Tuscaloosa, Alabama

Latta, Eugene Ralph
612 8th Court West
Birmingham, Alabama

Matthews, Reba G.
Rt. 1
Wetumpka, Alabama

R & C

Receiving and Classification Unit
Kilby Prison, Montgomery, Alabama 36110
Route 3, Box 115

Bonnett, Joseph Elzie
Rt. 1
Verbena, Alabama

Briggs, J. Woodward
2100 Yancey Ave.
Montgomery, Alabama

Cheek, Walter V.
2315 East 6th St.
Montgomery, Alabama

Dean, Milford S.
38 Kilby Reservation
Montgomery, Alabama

Gilmore, Bill
20 Brantwood Dr.
Montgomery, Alabama

Gullett, Arthur
Box 126, Rt. 1
Elmore, Alabama

Jones, Bishop
Prattville
Alabama

Lazenby, Billie Joyce
2738 Clara
Montgomery, Alabama

Locke, Judson C., Jr.
Marion
Alabama

Moseley, Marianne
2833 Biltmore Ave.
Montgomery, Alabama

Prickett, Luther H.
351 Conley Circle
Montgomery, Alabama

Spear, Cecil C.
LaPine
Alabama

Sunseri, James J.
22 Oak Forrest Dr.
Montgomery, Alabama

Ward, Starling Robert
Titus
Alabama

Yates, Troy E.
Rt. 3
Prattville, Alabama

STATE CATTLE RANCH, Greensboro, Alabama

Ferquhar, Charles A.
State Cattle Ranch
Greensboro, Alabama

Dukes, William
Rt. 4, Box 206
Atmore, Alabama

Richardson, Samuel C.
State Cattle Ranch
Greensboro, Alabama

TRUSTY BARRACKS

Burford, Clarence P.
37 Kilby Reservation
Montgomery, Alabama

Baker, Taze Russell
Rt. 2
New Brocton, Alabama

Brooks, Darric A.
Rt. 1
Eclectic, Alabama

Calhoun, Louis N.
3321 Wellington Rd.
Montgomery, Alabama

Cobb, Samuel A.
16 Kilby Reservation
Montgomery, Alabama

Coogan, Orville Roy
Rt. 1
Chancellor, Alabama

Dennis, Frank C.
Rt. 1
Equality, Alabama

Ficquett, William W.
1173 Company St.
Wetumpka, Alabama

Holman, James Monroe
Rockford
Alabama

Johnson, Fred C.
143 Cromwell St.
Montgomery, Alabama

LaFever, Howard S.
1043 Avondale Rd.
Montgomery, Alabama

Mann, Arthur
209 Owens St.
Union Springs, Ala.

McKinney, Maxie R.
24 Kilby Reservation
Montgomery, Alabama

Peavy, Clarence L.
Rt. 1
Titus, Alabama

Phillips, James G.
446 Gardendale Dr.
Montgomery, Alabama

Rodgers, John W.
Rt. 1
Dadeville, Alabama

Rosen, Dr. H. Leon
2337 Wildwood Dr.
Montgomery, Alabama

Rutland, Auley R.
Verbana
Alabama

Rutledge, John Elvin
Rt. 2
Tallassee, Alabama

Watson, William R. V.
3370 Wilmington Rd.
Montgomery, Alabama

Williams, Claude A.
601 Shawnee Dr.
Montgomery, Alabama

Williams, Joe E.
451 Pratt Street
Prattville, Alabama

Willis, Maynard A.
Rt. 2
Deatsville

[fol. 59]

Draper Correctional
Center
Elmore, Alabama

DRAPER

Watkins, John C.
Draper Prison
Elmore, Alabama

Adams, John W.
Deatsville
Alabama

Bailey, William L.
906 Marshall St.
Wetumpka, Alabama

Barber, Wallace R.
433 Gaddis, St.
Prattville, Alabama

Barrett, Cloyce Ed.
Rt. 3, Box 107
Wetumpka, Alabama

Barrett, Vernon H.
Rt. 1
Clanton, Alabama

Beatty, Jessie T.
Rt. 3, Box 596-D.I.
Sylcauga, Alabama

Bentley, Kenneth W.
225 20th Ave., N.W.
Birmingham, Alabama

Blackwell, Ernest O.
Rt. 2
Deatsville, Alabama

Boswell, William S.
12 3rd Ave., S.
Clanton, Alabama

Boyd, James O.
Rt. 2
Verbena, Alabama

Britt, Morris Henderson
Rt. 1
Eclectic, Alabama

Brown, Audie Lloyd
Rt. 2
Verbena, Alabama

Brubaker, Harry H.
Rt. 2, Box 387
Deatsville, Alabama

Calloway, William K.
Rt. 1
Mountain Creek, Ala.

Cannon, Maver L.
House #4, Draper Pris.
Elmore, Alabama

Carmichael, A. M.
Rt. 1
Elmore, Alabama

Church, James P.
Rt. 1
Titus, Alabama

Clark, Leon M.
Rt. 2
Prattville, Alabama

Cleckler, Horace R.
116 Norfield
Clanton, Alabama

Collier, Berry F.
Rt. 2
Deatsville, Alabama

Cooper, Clarence E.
Rt. 1
Deatsville, Alabama

Crumpton, Felton
Box 6
Coopers, Alabama

Curlee, Lonnie C.
Rt. 2, Box 51
Deatsville, Alabama

Daniels, Murray
Elmore
Alabama

Davis, Grady O'Neal
Rt. 2
Verbena, Alabama

Davis, Howard M.
Rt. 4
Wetumpka, Alabama

Driver, James E.
Rt. 1
Elmore, Alabama

Driver, James H.
Rt. 1
Verbena, Alabama

Duke, John C.
P. O. Box 301
Clanton, Alabama

Esco, Leamon D.
Deatsville
Alabama

Fain, Loyd C.
Wetumpka
Alabama

Faulk, Billie J.
Box 1107
Elmore, Alabama

Fuller, Joseph W.
Rt. 3
Wetumpka, Alabama

Fulmer, Hoke W.
Rt. 2
Deatsville, Alabama

Gardner, Johhnie M.
Rt. 1, Box 220
Mt. Creek, Alabama

Garmon, Glen R.
Elmore
Alabama

Garmon, Jewel L.
Cullman
Alabama

Gay, Simmie L.
Rt. 1
Equality, Alabama

Gibbons, Arthur L.
Deatsville
Alabama

Glasscock, James E.
Speigner
Alabama

Glenn, Jasper
Box 251
Clanton, Alabama

[fol. 60]

Grant, Thomas G.
Rt. 3
Alex City, Alabama

Gray, Richard R.
Rt. 2
Mountain Creek, Ala.

Hamm, Elbert E.
107 6th St.
Clanton, Alabama

Hand, Norwood P.
Rt. 3
Prattville, Alabama

Haynie, Eley
Main Street
Eclectic, Alabama

Holt, George M.
Deatsville
Alabama

Hudson, Joseph W.
530 S. 80th St.
Birmingham, Alabama

Hull, Andrew F.
Rt. 2, Box 46
Deatsville, Alabama

Hull, Daniel E.
House #21, Apt. B
Elmore, Alabama

Ingram, Ronald R.
Elmore
Alabama

Ingram, Vander I.
Rt. 2
Tallassee, Alabama

Johnson, Gary L.
Rt. 1
Mt. Creek, Alabama

Johnson, Jesse James
825 27½ St.
Tuscaloosa, Alabama

Jones, Calvin E.
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Cooper, Alabama

Jones, Ernest A.
Rt. 2
Verbena, Alabama

Jones, James C.
Rt. 2
Clanton, Alabama

Kernop, Willard A.
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Tuscaloosa, Alabama

Lake, Elmer A.
Rt. 2
Deatsville, Alabama

Lake, Gentry D.
Deatsville
Alabama

Lewis, Alston A.
Cooper
Alabama

Littlejohn, James W.
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Thorsby, Alabama

Melton, Dovard T.
Rt. 2
Clanton, Alabama

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Elmore, Alabama

McWhorter, J. M.
House #17
Elmore, Alabama

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Marbury
Alabama

Murchison, Beno L.
Titus Star Rt.
Wetumpka, Alabama

Nelson, Floy D.
Rt. 2
Deatsville, Alabama

Noah, Thomas
Clanton
Alabama

Osborne, James C.
Rt. 2
Tallassee, Alabama

Plyler, Barnes R.
Cooper
Alabama

Poore, Floyd Martin
236 Wilson Ave.
Eutaw, Alabama

Pyron, James E.
Rt. 2
Deatsville, Alabama

Rawlinson, Florence F.
Elmore
Alabama

Richardson, John T.
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Elmore, Alabama

Riggins, Charlie W.
Rt. 4
Clanton, Alabama

Robinson, Theodore
Verbena
Alabama

Rye, James Ordle
Rt. 2
Detroit, Alabama

Sanford, Kyle S.
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Eclectic, Alabama

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Shaw, Clinton M.
Wetumpka
Alabama

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4390 Sunshine St.
Montgomery, Alabama

Spivey, George Louis
Rt. 1
Wetumpka, Alabama

Stearns, Arvel C.
Eclectic
Alabama

Taylor, Will G.
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Tallassee, Alabama

Thacker, Francis M.
P. O. Box 222
Prattville, Alabama

[fol. 61]

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Tuscaloosa, Alabama

Thornton, Benjamin O.
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Clanton, Alabama

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Montgomery, Alabama

Varner, Julian M.
414 E. Magnolia St.
Auburn, Alabama

Watson, Joe L.
Elmore
Alabama

Welch, Wallace H.
3608 Willow Lane Dr.
Montgomery, Alabama

Wells, F. D.
Elmore
Alabama

Wells, Johnny Enoch
Rt. 1
Clanton, Alabama

White, David H.
Rt. 1
Elmore, Alabama

Whitehead, Hazen L.
Rt. 1
Killen, Alabama

Whitehead, John H.
Rt. 1, Box 157
Florence, Alabama

Wingard, Harvey D.
Eclectic
Alabama

Williams, Willie E.
Elmore
Alabama

Womble, William G.
Elmore
Alabama

Wright Colon
Rt. 1
Deatsville, Alabama

Wright George W.
Elmore
Alabama

JULIA TUTWILER

Julia Tutwiler Prison for Women
Wetumpka, Alabama

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Rt. 4, Box 36A
Wetumpka, Alabama

Barrington, J. Forrest
109 B Carr St.
East Tallassee, Ala.

Bass, Nora A.
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Alabama

Boddie, Pauline
Rt. 1
Titus, Alabama

Brogden, Hilliard A.
Equality
Alabama

Chandler, Ruth E.
Wetumpka
Alabama

Collier, Grover P.
Wetumpka
Alabama

Collier, Mary S.
Rt. 1
Equality, Alabama

Collins, Julia I.
209 West Bridge St.
Wetumpka, Alabama

Conner, Mary Kate
507 W. Bridge St.
Wetumpka, Alabama

Davis, Senie
Wetumpka
Alabama

Dennis, Ruby J.
Wetumpka
Alabama

Duke, Benjamin C.
Rt. 4
Wetumpka, Alabama

Edwards, Winston A.
Wetumpka
Alabama

Estes, Clayton
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Wetumpka, Alabama

Faust, Mayzell A.
Rt. 1
Wetumpka, Alabama

Ficquette, James D.
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300 East Bridge St.
Wetumpka, Alabama

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ESR Box 56
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Goree, Merla Stephens
Wetumpka
Alabama

Griffin, Hazel M.
Rt. 3
Wetumpka, Alabama

[fol. 62]

Harden, Doris E.
Titus Star Rt.
Wetumpka, Alabama

Holt, Mary C.
TSR
Wetumpka, Alabama

Johnson, Kathlyn C.
Kilby Reservation
Montgomery, Alabama

Kelley, Annie M.
Wetumpka
Alabama

Lake, Mertie Louise
Speigner
Alabama

Lanier, Jewel E.
Wetumpka
Alabama

Levins, Minnie Pearl
Wetumpka
Alabama

Lewis, J. B.
Rt. 2
Deatsville, Alabama

Lewis, Lottie Bell
Deatsville
Alabama

Macon, Virginia
Rt. 1
Wetumpka, Alabama

Matthews, V. Ward
10 Forrest Ave.
Wetumpka, Alabama

McInish, Laura
Rt. 4
Wetumpka, Alabama

Morrison, Sarah
Wetumpka
Alabama

Parrish, Buford M.
Rt. 1
Wetumpka, Alabama

Ray, William C.
Wetumpka
Alabama

Ruffin, Evelyn J.
406 S. Main St.
Wetumpka, Alabama

Salter, Gladys A.
Wetumpka
Alabama

Sears, Ruth
Wetumpka
Alabama

Shipp, Ivy Lee
619 West Main St.
Wetumpka, Alabama

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55 Pickett St.
Montgomery, Alabama

Smith, Marie Hazel
3017 Willena St.
Montgomery, Alabama

Stanley, Marie
Titus
Alabama

Thompson, Madell
Wetumpka
Alabama

Thornton, Grace S.
Wetumpka, Alabama

Tidwell, James Porter
Rt. 3
Wetumpka, Alabama

Walker, Emma Ruth
Jordan Dam
Wetumpka, Alabama

Wood, Doris L.
Rt. 4
Wetumpka, Alabama

Wood, Lois K.
Titus
Alabama

Yarbrough, Henry H.
Rt. 1
Deatsville, Alabama

GENERAL OFFICE

Address mail for General Office employees to Kilby Prison, Route 3, Box 115, Montgomery, Alabama 36110—any mail for 704 Washington St. will be forwarded to them.

Lee, A. Frank
1810 Federal Dr.
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Achimon, Archie U.
807 Willow St.
Tallassee, Alabama

Alford, Florence R.
856 Karen Rd.
Montgomery, Alabama

Armstrong, L. Durant
53 Marlborough Ave.
Montgomery, Alabama

Bedsole, Nell F.
3407 Southmont
Montgomery, Alabama

Best, Mildred F.
Kilby Reservation
Montgomery, Alabama

Blocker, Frank
Kilby Reservation
Montgomery, Alabama

Burt, Thomas M.
405 John St.
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Caldwell, Charles E.
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Montgomery, Alabama

Cantrell, Berry D. L.
1820 Federal Dr.
Montgomery, Alabama

Carpenter, G. C.
Kilby Reservation
Montgomery, Alabama

Collier, A. Jackson
Rt. 1
Equality, Alabama

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3333 Wellington Rd.
Montgomery, Alabama

Crew, Alice Thompson
535 S. Lawrence St.
Montgomery, Alabama

Evans, W. N.
Kilby Reservation
Montgomery, Alabama

Fiquett, Ben Robert
607 6th Boylston
Montgomery, Alabama

Furlow, W. S.
3686 Norman Bridge Rd.
Montgomery, Alabama

Garrett, Henry J.
1736 Sanford Ave.
Montgomery, Alabama

Gray, William F.
309 River Drive
East Tallassee, Ala.

Gross, Leonidas M.
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Montgomery, Alabama

Guy, Bennie D.
421 Boyce Street
Montgomery, Alabama

Hagan, James T.
953 Greenridge Court
Montgomery, Alabama

Hagan, Virgil W.
105 S. Church St.
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Montgomery, Alabama

Hilyer, Claude J.
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Montgomery, Alabama

Jones, Johnnie C.
3428 Whiting Ave.
Montgomery, Alabama

Johnson, Joseph P.
31 Clayton Street
Montgomery, Alabama

Kelley, E. V.
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Montgomery, Alabama

Knox, Roy Emmet
Rt. 2
Eclectic

Knox, William E.
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Wetumpka, Alabama

Kocour, Elmer J.
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Montgomery, Alabama

Lansford, Melvin H.
Kilby Reservation
Montgomery, Alabama

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510 N. Florida
Montgomery, Alabama

Mayo, Lawrence G.
511 Pinehill Rd.
Montgomery, Alabama

McDaniel, A. F. Jr.
Kilby Reservation
Montgomery, Alabama

McLeod, John D.
Demoplis
Alabama

McSween, Joe M.
1814 Speigel
Montgomery, Alabama

Nielsen, Shriely Foster
1031 Avondle Rd.
Montgomery, Alabama

Owens, Lavell
Wetumpka Highway
Montgomery, Alabama

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Rabb, George W.
1928 Winona Ave.
Montgomery, Alabama

Rhodes, Robert C.
420 Honeysuckle Ct.
Montgomery, Alabama

Robbins, William J.
Lower Wetumpka Hwy.
Montgomery, Alabama

Ruff, Reuben S.
LaPine
Alabama

Russell, Alton W.
1801 Texas Court
Montgomery, Alabama

Ryan, James R.
242 S. Blvd.
Montgomery, Alabama

Sassor, Sara Ann
709 Belvedere Dr.
Montgomery, Alabama

Shivers, Hoyt G.
Kellyton
Alabama

Shores, Zadie Lee
Eclectic
Alabama

Smith, Virginia C.
Rt. 2
Tallassee, Alabama

Van Ryzin, James L.
1704 S. Perry St.
Montgomery, Alabama

Vickery, George L.
807 E. Patton St.
Montgomery, Alabama

Ward, Jerremah
727 Martha St.
Montgomery, Alabama

White, Jimmie D.
Rt. 3, Box 83A
Wetumpka, Alabama

Whitlock, Reybon N.
2116 Highland Ave.
Montgomery, Alabama

Williams, Carl J.
129 Ardn Rd.
Montgomery, Alabama

Wright, Iven W.
929 S. Hull St.
Montgomery, Alabama

Wright, Ralph W.
Kilby Reservation
Montgomery, Alabama

#4 HONOR CAMP

No. Four Honor Camp
Route 3 Box 79, Montgomery, Alabama

Simpson, Curtis M.
15 Kilby Reservation
Montgomery, Alabama

Armstrong, Robert L.
Brentlen
Alabama

Carter, Otis Doyle
Rt. 4
Hamilton, Alabama

Colley, Floyd
Rt. 2, Box 122 B
Wetumpka, Alabama

Curlee, Charlie H.
Rt. 1
Titus, Alabama

Davis, L. J.
Kilby Reservation
Montgomery, Alabama

Dennis, Ocie F.
110 Wetumpka Ave.
Sylacauga, Alabama

French, Morris E.
300 East Bridge St.
Wetumpka, Alabama

Goodman, James A.
Kilby Reservation
Montgomery, Alabama

Gray, Earnest P.
Kilby Reservation
Montgomery, Alabama

Moore, David E.
Rt. 1
Rutledge, Alabama

Sanford, Charles J.
Rt. 2, Box 67
Wetumpka, Alabama

Speake, Cecil R.
Rt. 1, Box 61
Alex City, Alabama

Spivey, Leon
Kilby Reservation
Montgomery, Alabama

Wood, Grover Cleveland
507 West Bridge St.
Wetumpka, Alabama

ATMORE

Atmore State Prison Farm
Atmore, Alabama

Alverson, Elmer L.
Rt. 1
Wetumpka, Alabama

Andrews, Clyde
505 E. Craig St.
Atmore, Alabama

Baggett, Travis S.
106 Highland Court
Evergreen, Alabama

[fol. 65]

Books, Sidney W.
Atmore
Alabama

Ballard, Elbert J.
Rt. 1, Box 455
Anniston, Alabama

Barrow, Lawrence G.
Rt. 2, Aldalusia
Alabama

Biggs, Otto Leroy
Peterman
Alabama

Brothers, Grady E.
Rt. 2, Box 38
Atmore, Alabama

Boggan, Johnnie J.
Rt. 2, Box 256
Atmore, Alabama

Bowie, Wade
136 East Magnolia
Auburn, Alabama

Brewer, Jesse Gay
Rt. 1
Uriah, Alabama

Brown, Isaac N.
Rt. 1
Century Florida

Cardwell, Herbert D.
Uriah
Alabama

Carlee, Joseph M.
801 R. Craig St.
Atmore, Alabama

Carnley, William D.
Box 438, Star Rt.
Atmore, Alabama

Carpenter, George V.
306 6th Ave.
Atmore, Alabama

Chancer, John G.
Rt. 2
Brewton, Alabama

Chancery, John M.
203 Summers St.
Brewton, Alabama

Chason, Clarence M.
Atmore
Alabama

Clinner, James H.
Box 114
West Blocton, Alabama

Coffey, Ladd L.
Rt. 1
Jay, Florida

Coley, Arthur M.
Rt. 2, Box 187
Atmore, Alabama

Creamer, Theodore
Rt. 1
Century, Florida

Crouch, James E.
100 Park Ave.
Montgomery, Alabama

Cumbie, Willard
Star Rt. A, Box 150
Atmore, Alabama

Daniels, Aubery
Rt. 1
Uriah, Alabama

Davis, James O.
Rt. 2, Box 182
Atmore, Alabama

Davis, Norris E.
Rural Delivery
Atmore, Alabama

Davis, Freston
Rt. 2
Atmore, Alabama

Davis, Sam S.
Rt. 1
Repton, Alabama

Dees, Oscar R.
Atmore
Alabama

Digmon, James F.
Rt. 3, Box 116
Atmore, Alabama

Digmon, Paul
704 Craig St.
Atmore, Alabama

Donald, Luman N.
Box 671
Monroeville, Alabama

Downey, John R.
711 N. Main St.
Atmore, Alabama

English, Jessie L.
Rt. 2, Box 41
Atmore, Alabama

Etheridge, Bruce C.
Rt. 2
Atmore, Alabama

Fails, Luther F.
Atmore
Alabama

Findley, James M.
Rt. 1
Brewton, Alabama

Gilmore, Roy
507 West Craig St.
Atmore, Alabama

Gregg, Euby
Rt. 2, Box 269 A
Atmore, Alabama

Grissett, William E.
Rt. 4, Box 206
Brewton, Alabama

Hale, John Grady
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Atmore, Alabama

Hale, Novy L.
Atmore
Alabama

Hall, Charles M.
Star Route 8, Box 127
Atmore, Alabama

Hall, Guy H.
Star Route A, Box 127
Atmore, Alabama

Hall, Johnny Gary
Star Route
Atmore, Alabama

Hall, Riley B.
Rt. 2
Atmore, Alabama

Hall, Wiley S.
Rt. 2, Box 141
Atmore, Alabama

Hand, Henry A.
House #2
Atmore, Alabama

Hatfield, Buford W.
Rt. 4
Eufaula, Alabama

[fol. 66]

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Flomington, Alabama

Hatfield, Juanita D.
Rt. 2, Box 38
Atmore, Alabama

Ikner, Robert W.
Rt. 2
Atmore, Alabama

Jackson, Lewis B.
House #13
Atmore, Alabama

Jefferies, Leonard B.
House #15
Atmore, Alabama

Johnson, Erbie S.
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Atmore, Alabama

Johnson, John Bemon
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Atmore, Alabama

Johnson, Willie E.
Goodway
Alabama

Jones, Iva Joe
Star Rt.
Atmore, Alabama

Jones, Woodrow W.
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Atmore, Alabama

King, Earl D.
Rt. 2, Box 251 A
Atmore, Alabama

Knowles, Delmas R.
Rt. 4
Brewton, Alabama

Knowles, Huey P.
Rt. 2, Box 290
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House #23
Atmore, Alabama

Lambeth, Cecil H.
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Atmore, Alabama

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Marshall, John L.
Atmore
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McDonald, Chester C.
Rt. 1, Box 137
Uriah, Alabama

McGhee, Pent
Uriah
Alabama

McGlothren, Gilbert E.
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McKinley, George W.
Rt. 2, Box 264
Atmore, Alabama

McKinley, Jim T.
Rt. 3
Atmore, Alabama

McLain, John Andrew
Rt. 1
Century, Florida

Middleton, Wendell
Rt. 2, Box 173
Atmore, Alabama

Murphy, James E.
Rt. 1
Uriah, Alabama

Oswald, I. W.
P. O. Box 454
Excell, Alabama

Patterson, Mack D.
Rt. 2, Box 38
Atmore, Alabama

Pelham, Cleve
General Delivery
Grove Hill, Ala.

[fol. 67]

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Shanks, Mid H.
Rt. 2
Atmore, Alabama

Short, Riley Manley, Jr.
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Rt. 2, Box 7 M
Atmore, Alabama

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Atmore, Alabama

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Guntersville, Alabama

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Atmore, Alabama

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Bay Minette, Alabama

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Alabama

Turk, James
Uriah
Alabama

Vickery, Alexander C.
Rt. 3
Atmore, Alabama

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Frisco City, Alabama

Rogers, Eddie E.
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Repton, Alabama

Ross, Albert J.
Rt. 3, Box 261
Atmore, Alabama

Ross, J. W.
Rt. 3, Box 268
Atmore, Alabama

Rosser, Bascom Dois
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Cordova, Alabama

Ryals, Charles W.
Star Route B
Atmore, Alabama

Wilkins, J. B.
Rt. 1
Tennille, Alabama

Wilson, John A.
House #12
Atmore, Alabama

Womack, Ralph
Rt. 2
Atmore, Alabama

Womack, Robert L.
Rt. 2, Box 174
Atmore, Alabama

Womack, R. B.
Rt. 2, Box 7
Atmore, Alabama

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Ashcraft, Kirby J.
2343 Federal Dr.
Montgomery, Alabama

Averette, James W.
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Akron, Alabama

Bankston, Octavia A.
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Montgomery, Alabama

Battle, William L.
2134 St. Charles Ave.
Montgomery, Alabama

Bedford, Leo W.
116 S. Lewis St.
Montgomery, Alabama

Benton, William A.
Rt. 1
Tallassee, Alabama

Best, Hillery V.
Kilby Reservation
Montgomery, Alabama

Best, Lloyd
Kilby Reservation
Montgomery, Alabama

Birchfield, Henry W.
Kilby Reservation
Montgomery, Alabama

Bone, Samuel H.
2121 Federal Dr.
Montgomery, Alabama

Bradley, Robert M.
Daphne Lane
Montgomery, Alabama

Brown, Carl H.
109 Cloverdale St.
Atmore, Alabama

Brown, Curtis C.
708 Osceola St.
Wetumpka, Alabama

Brown, William O.
212 Conley Circle
Montgomery, Alabama

Bryant, Rayford D. C.
1909 Windsor Ave.
Montgomery, Alabama

Bush, Austin S.
Central
Alabama

Bush, John M.
Kilby Reservation
Montgomery, Alabama

Capell, John S.
Kilby Reservation
Montgomery, Alabama

Chandler, Shirley D.
121 Chisholm St.
Montgomery, Alabama

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Colley, Harvey A.
Rt. 2, Box 265
Wetumpka, Alabama

Conner, Warren L.
103 Washington St.
Montgomery, Alabama

Cosby, Bob Kenneth
Rt. 2
Tallassee, Alabama

Daniel, Robert T.
1007 Avondale
Montgomery, Alabama

Davidson, William J.
3408 Texas St.
Montgomery, Alabama

Davis, A. C.
Kilby Reservation
Montgomery, Alabama

Dickinson, Bernard B.
381 Selma Highway
Prattville, Alabama

Eastman, Weldon
137 Patrick St.
Prattville, Alabama

Edwards, Austin E.
R. 1
Tallassee, Alabama

Edwards, Hubert T.
Rt. 1
Eclectic, Alabama

Farrow, Festus
Kilby Reservation
Montgomery, Alabama

Flippo, Gordon G.
20 Jackson St.
Wetumpka, Alabama

Fortner, Samuel A.
Kilby Reservation
Montgomery, Alabama

Fox, Robert L.
107 S. Hull St.
Montgomery, Alabama

Fulmer, Bernard O.
104 Osceola St.
Montgomery, Alabama

Galloway, Jesse Calvin
Kilby Reservation
Montgomery, Alabama

Gammage, Roy H.
Kilby Hotel
Montgomery, Alabama

Garner, Eugene R.
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Verbena, Alabama

Gassett, Allen L.
Rt. 1
Tallassee, Alabama

Gilliland, Barney B.
Central
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Gray, James Horman
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Gregory, George S.
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Gulledge, Jesse L.
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Helms, Eddie L.
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Montgomery, Alabama

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4007 Shelly Lane
Montgomery, Alabama

Higginbotham, Jesse M.
205 Louise St.
Warrior, Alabama

Holman, Henry L.
Rockford
Alabama

Holman, William C.
Kilby Reservation
Montgomery, Alabama

Howell, Dalton E.
Kilby Reservation
Montgomery, Alabama

Howell, Sam S.
2002 Oklahoma St.
Montgomery, Alabama

Huffman, Andrew L.
4075 Gaston Ave.
Montgomery, Alabama

Humphrey, Edward N.
Rt. 4, Box 50
Montgomery, Alabama

Hunter, Gid F.
Rt. 4
Andalusia, Alabama

Hutto, John Cappel
Rt. 1
Oakman, Alabama

Isom, James E.
2209 Bay St.
Montgomery, Alabama

Jennings, Sanford C.
1619 Crouson St.
Montgomery, Alabama

Johnson, Genoma H.
Kilby Reservation
Montgomery, Alabama

Johnson, Lewis W.
Rt. 1, Box 4
Wetumpka, Alabama

Jones, Charles Lee
Rt. 3
Wetumpka, Alabama

[fol. 69]
Kimbrell, Henry Clay
Box 71
Eldridge, Alabama

Knox, Thomas Doyle
Rt. 1
Tallassee, Alabama

Ledbetter, Billy N.
109 Sims Ave.
East Tallassee, Ala.

Lewis, Frank C.
407 10th St.
Clanton, Alabama

Long, Dr. Irl B.
3417 Warrenton Rd.
Montgomery, Alabama

Lott, Millard
Kilby Reservation
Montgomery, Alabama

Mainor, Jesse B.
3340 Bedford Lane
Montgomery, Alabama

Martin, James C.
2 Pender St. H
Montgomery, Alabama

Martin, William E.
Rt. 2, Box 306
Montgomery, Alabama

Mayhew, Gordon W.
Old Selma Rd.
Montgomery, Alabama

Kent, James D.
3226 East St.
Montgomery, Alabama

McGlothren, James E.
3134 Meadow Lane
Montgomery, Alabama

McKenzie, Luther C.
6 Houser St.
Montgomery, Alabama

Naile, Thomas R.
2218 Spruce St.
Montgomery, Alabama

New, George W.
Davis Motel
Montgomery, Alabama

Norrell, Alpha C.
Rt. 2
Tallassee, Alabama

Norrell, Reuben A.
Rt. 1, Box 59C
Tallassee, Alabama

Osborne, Forest
Kilby Reservation
Montgomery, Alabama

O'Steen, Henry L.
322 Broadway St.
Montgomery, Alabama

Owens, Harvey L.
118 Chishlom
Montgomery, Alabama

Parker, Jerry C.
107 E. Osceola St.
Wetumpka, Alabama

Killen Herbert F.
2223 East 2nd St.
Montgomery, Alabama

Parrish, Curtis F.
Rt. 1
Elmore, Alabama

Peavy, Thomas E.
5 Brookside Dr.
Wetumpka, Alabama

Pelham, Benjamin
4-A Pickett St.
Montgomery, Alabama

Phillips, Gulie G.
Kilby Reservation
Montgomery, Alabama

Reagan, Joseph B.
P. O. Box 73
Ramer, Alabama

Rhone, Floyd L.
Kilby Reservation
Montgomery, Alabama

Rigsby, Robert A.
Rt. 2
Tallassee, Alabama

Roberts, Murray C.
Rt. 3
Atmore, Alabama

Robinson, Charles E.
144 Azalea Dr.
Montgomery, Alabama

Robinson, John D.
Kilby Reservation
Montgomery, Alabama

Robinson, Wesley T.
Rt. 3
Montgomery, Alabama

Rock, Edward
Rt. 1
Titus, Alabama

Rodgers, Claude H.
Rt. 1
Dadeville, Alabama

Rodgers, Elzie B.
Rt. 2
Tallassee, Alabama

[fol. 70]

Smith, John D.
Kilby Reservation
Montgomery, Alabama

Smith, Roy Ward
3115 Lower
Wetumpka Rd.
Montgomery, Alabama

Smith, William G.
Rt. 3, Box 346
Montgomery, Alabama

Soader, Henry A.
135 E. Wareingwood Dr.
Montgomery, Alabama

Sullivan, Samuel C.
3015 Lower
Wetumpka Rd.
Montgomery, Alabama

Sweeney, Tommie E.
2113 Federal Dr.
Montgomery, Alabama

Roughton, Homer G.
Kilby Reservation
Montgomery, Alabama

Sanders, Jesse F.
Kilby Reservation
Montgomery, Alabama

Sanders, William R.
325 N. Madison Terrace
Montgomery, Alabama

Scruggs, Harry P.
Kilby Reservation
Montgomery, Alabama

Taunton, Adolphus
General Delivery
Eclectic, Alabama

Thomas, Lewis E.
Rt. 2
Verbena, Alabama

Thornton, Joseph Raish
Titus Star Rt.
Wetumpka, Alabama

Totty, Horace J.
14 Oak Forrest Dr.
Montgomery, Alabama

Trawick, William L.
3569 Whiting Ave.
Montgomery, Alabama

Tyler, Martis J.
3450 Texas Ave.
Montgomery, Alabama

Shoemaker, Ernest L.
Eclectic
Alabama

Shumaker, Billie S.
322 C Chisholm St.
Montgomery, Alabama

Shumaker, Oakley
Kilby Reservation
Montgomery, Alabama

Shumaker, Vannie E.
Kilby Reservation
Montgomery, Alabama

Waid, Pinkney, A.
19 Kilby Reservation
Montgomery, Alabama

Walker, Leon G.
Rt. 1
Wetumpka, Alabama

Ward, Robert L.
Kilby Reservation
Montgomery, Alabama

Watley, Willie E.
31 Kilby Reservation
Montgomery, Alabama

Watson, Ralph
Rt. 1
Eclectic, Alabama

Webster, Gera S.
711 West Patton St.
Tallassee, Alabama

Weldon, Bennie G.
803 Tallassee St.
Montgomery, Alabama

Wells, Joseph P.
104 Rotary St.
Montgomery, Alabama

Wells, O. F.
Kilby Reservation
Montgomery, Alabama

Whaley, John J.
P. O. Box 49
Jacksonville, Alabama

Wiggins, Joseph J.
2090 Johnson St.
Montgomery, Alabama

Wiggs, Joe, Jr.
Rt. 2, Box 190
Clanton, Alabama

Wilkins, Shelby
Kilby Reservation
Montgomery, Alabama

Wison, Fred
Kilby Reservation
Montgomery, Alabama

Woodfin, Bobby J.
538 Pleasant Ave.
Montgomery, Alabama

Wright, Grady
Rt. 4, Box 270
Montgomery, Alabama

Wright, Robert O.
Box 376 A
East Tallassee, Ala.

York, Willie T.
Star Rt.
Eclectic, Alabama

PERCENTAGE OF ASSIGNMENTS

PRISONS	WM	CM	WF	CF
Atmore Prison	5.24	94.76		
Draper Prison	89.11	10.91		
Kilby Prison	96.8	3.2		
Julia Tutwiler Prison for Women			28.16	71.84
No. Four Prison	9.75	89.25		
Cattle Ranch	100.00			
Trusty Barracks	92.10	7.90		
Frank Lee Youth Center	100.00			
Kilby Hospital	21.00	79.00		
Quarantine Receiving & Classification	28.00	72.00		
Camp Alex City		100%		
Camp Auburn		"		
Camp Chatom		"		
Camp Childersburg		"		
Camp Cullman		"		
Camp Dothan		"		
Camp Eight Mile		"		
Camp Elba		"		
Camp Evergreen		"		
Camp Fayette		"		
Camp Fort Payne	100%			
Camp Grove Hill		"		
Camp Guntersville		"		
Camp Hamilton		"		
Camp Hollis		"		
Camp Livingston		"		
Camp Loxley		"		
Camp Maplesville		"		
Camp Selma		"		
Camp Thomaston		"		
Camp Troy		"		
Camp Tuscaloosa		"		
Camp Union Springs		"		

Administrative Form No. 18
March, 1958

CONTRACT FOR SERVICE IN NONFEDERAL INSTITUTION

Contract No.
J1c- 20685

THE UNITED STATES OF AMERICA

For UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF PRISONS, WASHINGTON, D. C.
With Alabama State Board of Corrections

Judicial District
Middle Alabama

Immigration and Naturalization Service
Region, District

Description of Service

Safekeeping, care, and subsistence of persons held under authority of any United States statute, excluding persons detained as aliens, in the

Julia Tutwiler Prison, Wetumpka

Rate Per Day Per Person
$2.65

It is understood that the care provided will - - include medical treatment, except the expense of extraordinary medical services beyond those normally furnished by the institution's medical staff, which expense will be borne by the Government.

The above-named city, county, state, or agency, by the undersigned, agrees to furnish the services above specified, and shall render monthly on prescribed voucher statement of the amount due ~~(a)~~ for persons other than detained aliens, to the United States marshal for the judicial district specified, ~~and (b) for detained aliens to the office of the Immigration and Naturalization Service having jurisdiction in the area.~~ In consideration thereof, the United States of America, by the undersigned, agrees to pay the rate specified above.

Terms and Conditions

This contract is subject to the provisions of Title 18 of the United States Code and to the rules and regulations governing the care and custody of persons committed hereunder as set forth in Exhibit A-1; ~~and Exhibit B,~~ hereto attached and made a part hereof.

This contract will remain in force for a period not to exceed three years and will be modified or cancelled only after thirty days' notice prior to the effective date of any proposed change, which shall be given by the party proposing the change.

The United States reserves the right to enter the institution specified at reasonable hours for the purpose of inspecting the same and determining the conditions under which federal offenders are housed.

No Member of or Delegate of Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom unless it be made with a corporation for its general benefit.

Effective Date
January 27, 1966

Alabama State Board of Corrections
✓ By A. F. Lee
Title Commissioner
By
Title

THE UNITED STATES OF AMERICA
By direction of the Director of the Bureau of Prisons

Assistant Director

Acceptance of this contract is recommended.
William M. Parks, Jr.
United States Marshal

FPI—LK—8-24-65—5M—4457

[fol. 73]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
(NORTHERN DIVISION)
Civil Action No. 2350-N

[Title omitted]

ANSWER OF ROBERT K. AUSTIN, AS WARDEN, TO COMPLAINT —Filed June 17, 1966

Comes Robert K. Austin, as Warden of the City Jail of Birmingham, Alabama, and without waiving motions and defenses heretofore filed, for answer to the complaint and each cause of action asserted therein, and each paragraph thereof, separately and severally, says:

First Defense

The complaint fails to state a claim against this defendant upon which relief can be granted.

Second Defense

The complaint fails to state grounds for granting injunctive relief against this defendant.

Third Defense

The complaint improperly joins this defendant with the other defendants.

Fourth Defense

As to this defendant, venue is improperly laid in the Middle District of Alabama, but, on the contrary, if the suit is maintainable at all it is in the United States District Court for the Northern District of Alabama where this defendant resides and where he maintains his office.

[File endorsement omitted]

[fol. 74]

Fifth Defense

The complaint improperly seeks to proceed as a representative or class action against this defendant as a representative of all wardens and jailers of city and town jails of Alabama.

Sixth Defense

Answering the allegations of paragraph (1), this defendant denies the matter in controversy exceeds, exclusive of interest and costs, the sum of Ten Thousand Dollars ($10,000.00), or any other sum of money, or that it arises under the Constitution of the United States or involves any federal question under the Constitution or laws of the United States.

Seventh Defense

As to this defendant, the complaint improperly seeks to proceed as a class action under Rule 23(a)(3) of the Federal Rules of Civil Procedure, as alleged in paragraph (2), and said defendant denies that common questions of law and fact exist concerning the alleged rights of the several plaintiffs against the several defendants.

Eighth Defense

1. For answer to paragraph (3), this defendant is without knowledge or information sufficient to form a belief as to the allegations of said paragraph, except that Hosea L. Williams and Thomas E. Houck, Jr. have each been briefly confined in the Birmingham Jail or Prison on respective charges of ordinance violations of the City of Birmingham, but each has pleaded guilty of such charges against him, was fined, and has paid his fine and costs as to some of the charges, and all other charges under which such confinement was had have been dismissed and each of said defendants released and discharged from further custody on account of all such charges. This defendant has never before heard of any "roughing up" suffered by

said Thomas E. Houck, Jr. from other white prisoners, as alleged, but such, if it occurred, was not reported by said Houck to this defendant or his staff.

[fol. 75] 2. For answer to paragraphs (4) and (5), this defendant admits he is Warden of the City Jail or Prison of Birmingham, Alabama, but denies he is or could be a representative of all other wardens and jailers of cities and towns of Alabama. His office is at such City Jail or Prison. Other allegations of such paragraphs do not apply to this defendant.

3. For answer to paragraph (6), this defendant admits the Code sections of Title 45 of the Alabama Code referred to are contained in said Code. Only Sections 121, 122, 123, 172, 177 and 183 purport to deal with a city jail. However, this defendant was not consciously aware of such sections, other than he knew a monthly report was required to be made to the chief of police and that female and male prisoners could not be placed in cells together, except a husband and a wife. He was not consciously aware of Section 123 before reading the complaint in this cause. He has operated the said Jail or Prison so as to separate the races for reasons of internal security of the jail or prison and to protect prisoners and others from bodily harm. All facilities are interchangeable and are not assigned permanently to either white or colored. This defendant further denies enforcement of said sections deprives the plaintiffs individually or collectively of any rights guaranteed to them under any laws or the Constitution of the United States; further, that he has no authority with respect to matters set out in Section 172 except with respect to the cleanliness of the jail, and has no authority with respect to the matters set forth in Section 183.

4. For answer to paragraph (7), this defendant avers that Sections 136 and 137 relate only to county jails and prisons. No agreement is or has been in existence between the United States and the City of Birmingham whereby

it receives aid and assistance from the United States in its penal system. The averments of said paragraph do not apply to this defendant.

5. For answer to paragraph (8), this defendant denies the allegations and conclusions of law contained therein.

[fol. 76] 6. For answer to paragraph (9), this defendant adopts his answer heretofore made to paragraphs (1) through (7).

7. For answer to paragraph (10), this defendant denies the allegations and conclusions of law contained therein.

8. For answer to paragraph (11), this defendant adopts his answer heretofore made to paragraphs (1) through (7).

9. For answer to paragraph (12), this defendant denies any exclusion, systematic or otherwise, of Negroes from employment in the Police Department of the City of Birmingham, of which department the operation of the City Jail or Prison is a part. All hiring and firing of personnel for the entire department, including the Prison or Jail, is governed by the Jefferson County Civil Service Law, administered by the Jefferson County Civil Service Board, created under Act 248, Regular Session of the Legislature of Alabama 1945, as amended. Such hiring and firing of the personnel of the entire Police Department is administered without regard to race, creed or national origin. Negroes are now employed as members of the said Police Department, and great effort has been made over the past several years, and is now being made, to recruit qualified Negroes for employment therein.

10. For answer to paragraph (13), this defendant denies the conclusions of law and fact stated in said paragraph, as applied to him; denies any concert of action with anyone in the operation of the Birmingham City Jail or Prison; denies that the operation of said Jail or Prison in such a way as to keep white prisoners together and colored prisoners together is an infringement of the Eighth Amend-

ment or the Fourteenth Amendment of the United States Constitution, or any laws enacted pursuant thereto; denies the exclusion of Negroes from employment in said Jail or Prison; and denies the infringement of the Fourteenth Amendment to the Constitution of the United States, or any law enacted pursuant thereto, in employment of said personnel.

[fol. 77] 11. For answer to paragraph (14), this defendant denies the allegations thereof and demands strict proof thereof.

Wherefore, this defendant denies the plaintiffs are entitled to the relief sought, and having fully answered prays that he may be dismissed with his cost sustained in his behalf.

J. M. Breckenridge, Earl McBee, Attorneys for Defendant, Robert K. Austin, As Warden, 600 City Hall, Birmingham, Alabama 35203.

Certificate of Service (omitted in printing).

[fol. 78]

In the United States District Court
For the Middle District of Alabama
Northern Division

Civil Action No. 2350-N

[Title omitted]

Answer of Defendant A. Melvin Bailey—Filed June 20, 1966

Now comes A. Melvin Bailey as Sheriff of Jefferson County, Alabama, and without waiving his motion to dismiss previously filed in this cause and the grounds assigned therein and for additional answer to the action filed herein, says as follows:

1. Said defendant denies that the sum in controversy exceeds $10,000.00 and says that, in fact, no sum is claimed of this defendant.

2. Said defendant denies that common question of law and fact exist concerning the alleged rights of the several plaintiffs or several defendants.

3. Defendant admits that Plaintiff Caliph Washington is presently confined in Jefferson County jail, but defendant has no knowledge of the remainder of the facts averred in paragraph (3) of the First Cause of Action, and demands strict proof thereof.

4. Said defendant has no knowledge of the facts averred in paragraph (4) of the First Cause of Action except insofar as they pertain to this defendant and this defendant admits that he is the duly elected and qualified sheriff of Jefferson County, Alabama, and as such has legal custody and charge of the Jefferson County Jail and all prisoners committed thereto.

5. Said defendant admits the averments of paragraph (5) of the First Cause of Action as to his residence, but [fol. 79] has no knowledge of the other facts alleged therein.

6. Said defendant admits the existence and the substance of the various sections of Title 45 of 1940 Code of Alabama Recompiled 1958 set out in paragraph (6) of the First Cause of Action, but denies that the enforcement of said code provisions deprives the plaintiffs individually or collectively of any rights guaranteed to them under any laws or the Constitution of the United States.

Said defendant further states that neither this defendant nor any defendant named in this action has any authority or responsibility in connection with Section 172 of Title 45 of 1940 Code of Alabama Recompiled 1958.

7. Said defendant admits the existence and substance of the sections of Title 45 of the 1940 Code of Alabama, Recompiled 1958, set out in paragraph (7) of the First

Cause of Action but has no knowledge of the arrangements and aid received by the State of Alabama from the United States in its penal system.

Said defendant denies that enforcement of said sections or receipt of any aid deprives plaintiffs individually or collectively of any right guaranteed to them under any laws of the Constitution of the United States.

8. Said defendant denies the averments of paragraph (8) of the First Cause of Action.

9. Said defendant denies the allegations of paragraph (10) of Second Cause of Action.

10. Said defendant has no knowledge of the allegations of paragraph (12) of the Third Cause of Action except insofar as they apply to the Jefferson County Sheriff's [fol. 80] Office and denies that Negroes are excluded from employment by the Jefferson County Sheriff's Office in any capacity because of race, but states that in fact the lack of Negro employees in said office is due to the lack of qualified Negro applicants for such jobs.

Dominick, Fletcher & Yeilding, By Walter Fletcher,
Attorneys for Defendant A. Melvin Bailey, Sheriff
of Jefferson County, Alabama.

Certificate of Service (omitted in printing).

[fol. 81]

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
Civil Action No. 2350-N

[Title omitted]

ANSWERS OF A. MELVIN BAILEY TO INTERROGATORIES— Filed June 25, 1966

1. No.

2. Answered.

3. In general detail, the duties of the Sheriff of Jefferson County, Alabama, are to maintain the peace within said County and to obey and enforce mandates of courts and to protect lives and property within Jefferson County.

4. Jefferson County jails located in Birmingham and Bessemer, Alabama.

5. Juvenile and Domestic Relations Court.

6. (a) through (f) A list of employees of Jefferson County Sheriff's Office with the job classification and title of each is attached to these answers. None of said employees are employees of the Negro race, all are employees of the Caucasian, or white, race.

7. Answered in (6) above.

8. Requests are made to the Jefferson County Personnel Board for certification of qualified applicants for particular job classification and selection and hiring is done from those certified by the Jefferson County Personnel Board.

9. Yes, I am aware of the provisions of law referred to in Interrogatory No. 9. Convicts in Jefferson County are separated within the two jails within my jurisdiction ac-

[File endorsement omitted]

[fol. 82] cording not only to their race and sex, but also according to their age and offense.

10. Though white and colored convicts are not confined within the same cell together, the same facilities are used interchangeably for all convicts regardless of race, color, age, sex or offense.

11. This office does not make reports directly to the Governor, but does report to the State Prison Inspector monthly. This report does indicate the number of white males, Negro males, white females, and Negro females. A copy of the report made for the month of May, 1966 is attached hereto.

12. Yes.

13. (a) No prisoners are chained together. (b) No. (c) Yes. (d) We have no provisions for athletic or other recreational events within the Jefferson County jails. (e) While the same identical cell and cell block facilities are used for white and Negro convicts, they are not confined within the same cell or cell block at the same time.

14. No.

15. Convicts are segregated according to sex, race, age and offense.

16. Yes. Copy attached hereto.

Federal prisoners are treated differently in that they are not required to work in the County jail while other prisoners are. They are confined in separate cell blocks from other prisoners and are attended by a different physician than the other prisoners.

17. $2.50 per day per prisoner.

18. See Exhibit "B" attached to the contract referred to in (17) above.

19. My office complies with this provision of the Alabama law. Our facilities are all connected and are all

[fol. 83] identical except that some cell blocks will accommodate 48 prisoners and some 20 and are all used interchangeably for white and Negro prisoners, as well as for male and female depending upon what prisoners we have at any given time. Prisoners are assigned to various cells and cell blocks by the wardens under my direction in such a manner as to insure the control, discipline, safety and security of said prisoners.

20. Don't know. (a) No.

21. Prisoners in correction and detention institutions within my jurisdiction and authority and are segregated on a basis of sex, race, offense and age.

22. Yes. (a) Yes.

23. While the same bathing facilities are used for both Negroes and whites within the jails in my jurisdiction and authority they are not used by Negroes and whites at the same time.

24. Answered in (23) above.

25. There are more than four separate cell blocks each of which has its own bathing facilities and they are used separately though interchangeably by Negroes and whites.

A. Melvin Bailey, Sheriff of Jefferson County, Alabama.

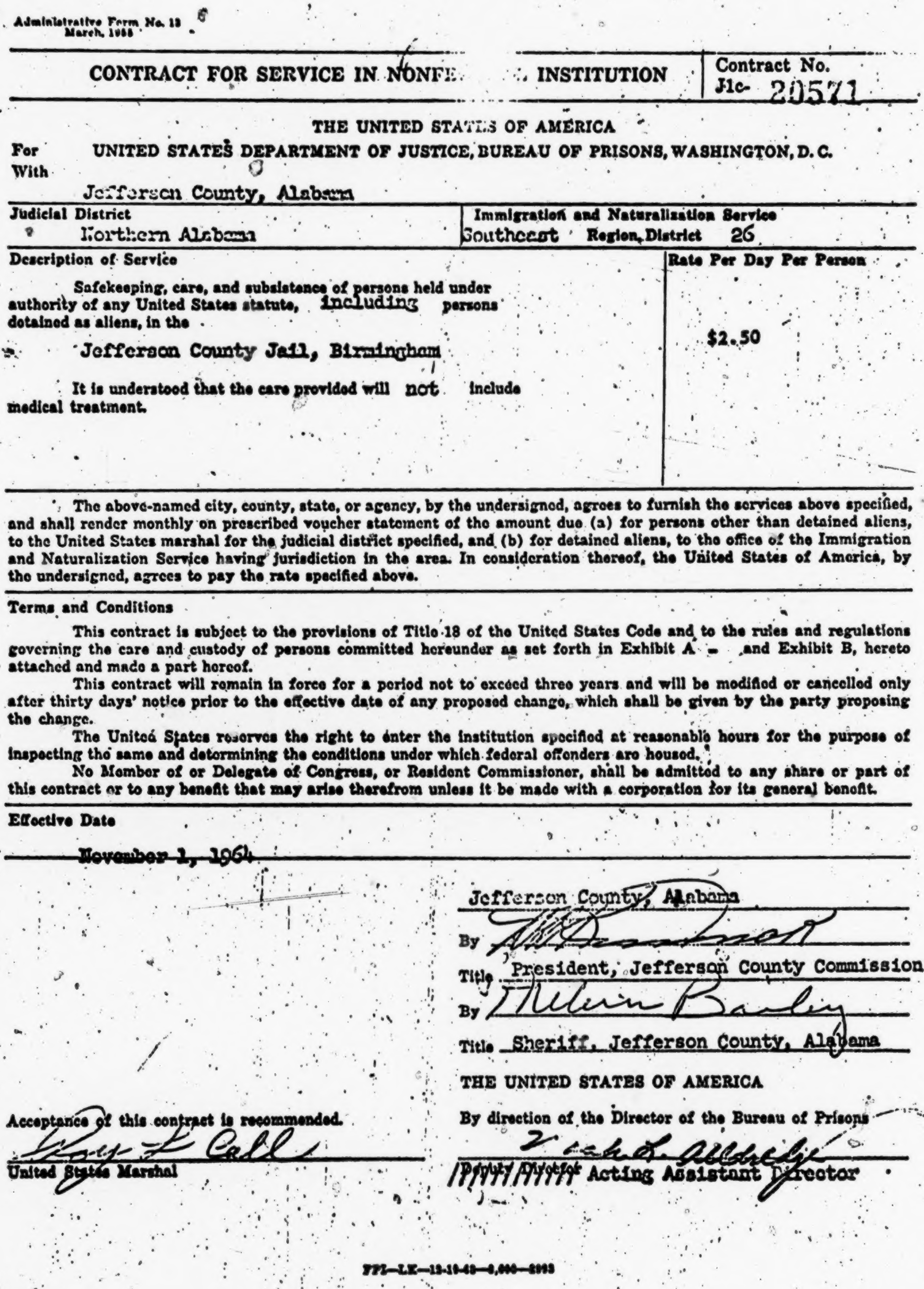
Duly sworn to by A. Melvin Bailey (jurat omitted in printing).

CONTRACT FOR SERVICE IN NONFEDERAL INSTITUTION AND EXHIBITS THERETO

(See opposite) ☞

[fol. 84]

ATTACHMENTS TO ANSWERS OF A. MELVIN BAILEY TO INTERROGATORIES



Administrative Form No. 13
March, 1958

CONTRACT FOR SERVICE IN NONFE[illegible] INSTITUTION

Contract No.
J1c- 20571

THE UNITED STATES OF AMERICA

For UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF PRISONS, WASHINGTON, D.C.

With
Jefferson County, Alabama

Judicial District Northern Alabama	Immigration and Naturalization Service Southeast Region, District 26
Description of Service Safekeeping, care, and subsistence of persons held under authority of any United States statute, including persons detained as aliens, in the Jefferson County Jail, Birmingham It is understood that the care provided will not include medical treatment.	Rate Per Day Per Person $2.50

The above-named city, county, state, or agency, by the undersigned, agrees to furnish the services above specified, and shall render monthly on prescribed voucher statement of the amount due (a) for persons other than detained aliens, to the United States marshal for the judicial district specified, and (b) for detained aliens, to the office of the Immigration and Naturalization Service having jurisdiction in the area. In consideration thereof, the United States of America, by the undersigned, agrees to pay the rate specified above.

Terms and Conditions

This contract is subject to the provisions of Title 18 of the United States Code and to the rules and regulations governing the care and custody of persons committed hereunder as set forth in Exhibit A - and Exhibit B, hereto attached and made a part hereof.

This contract will remain in force for a period not to exceed three years and will be modified or cancelled only after thirty days' notice prior to the effective date of any proposed change, which shall be given by the party proposing the change.

The United States reserves the right to enter the institution specified at reasonable hours for the purpose of inspecting the same and determining the conditions under which federal offenders are housed.

No Member of or Delegate of Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom unless it be made with a corporation for its general benefit.

Effective Date

~~November 1, 1964~~

Jefferson County, Alabama
By
Title President, Jefferson County Commission
By Melvin Bailey
Title Sheriff, Jefferson County, Alabama

THE UNITED STATES OF AMERICA
By direction of the Director of the Bureau of Prisons

~~Deputy Director~~ Acting Assistant Director

Acceptance of this contract is recommended.
Roy F Call
United States Marshal

FPI—LK—12-19-63—5,000—2993

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS
Washington 25, D. C.

EXHIBIT A

RULES AND REGULATIONS GOVERNING CUSTODY AND TREATMENT OF FEDERAL PRISONERS IN NONFEDERAL INSTITUTIONS

GENERAL

Under the provisions of Title 18, United States Code, Section 4002, the Director of the Federal Bureau of Prisons may contract with the proper authorities of any state, territory, or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of all persons held under authority of any enactment of Congress.

The rates to be paid for the care and custody of said persons shall take into consideration the character of the quarters furnished, sanitary conditions, and quality of subsistence and may be such as will permit and encourage the proper authorities to provide reasonably decent, sanitary, and healthful quarters and subsistence for such persons.

Persons who will be placed in nonfederal institutions under authority of federal statutes include (1) prisoners held prior to a hearing or conviction, to await trial, for temporary detention while being transported to another institution, to serve short sentences, as parole and mandatory release violators, and as witnesses; and (2) persons to be detained for the Immigration and Naturalization Service.

RULES AND REGULATIONS

The general regulations which follow govern the custody and treatment of federal prisoners in jails and other nonfederal institutions. Institution officials should take up with the United States marshal or the Director of the Bureau of Prisons matters not covered by these regulations and any cases in which it appears that an exception to the regulations should be made.

1. Responsibility for Prisoners' Custody

It is the responsibility of the sheriff, jailer, or other official responsible for the administration of the institution to keep the prisoners in safe custody and to maintain proper discipline and control.

2. Removal of Prisoners

A federal prisoner legally held in a jail or other place of detention may not be removed therefrom by any person without an order of the Federal court, the United States attorney, the United States commissioner, or permission from the Director of the Bureau of Prisons, except that (1) the committing officer may remove a prisoner for a hearing before the United States commissioner or other magistrate concerning the charge on which the prisoner was arrested; (2) the committing officer may remove a prisoner placed in an institution temporarily while being transported; and (3) the United States marshal may remove a prisoner as follows:

(a) For transfer to another jail or institution for specified reasons in accordance with Bureau of Prisons regulations and for medical treatment as prescribed in the medical regulations.

(b) For appearance in court for trial, hearing, or investigation upon request of the court or the United States attorney. In this connection Section 3012, Title 18, United States Code provides: "Prisoners or persons in custody shall be brought into court or returned on order of the Court or of the United States Attorney, for which no fee shall be charged and no writ required."

(c) In pursuance of an oral or written order of the court respecting the trial of an individual's case.

(d) In compliance with writs of habeas corpus.

(e) For interview at the office of the United States attorney or the local office of the Federal Bureau of Investigation as authorized under the United States marshals' regulations.

(f) For the purpose of commitment to an institution where sentence is to be served.

(g) In accordance with instructions from the Director of the Bureau of Prisons to take a prisoner to the bedside or funeral of a dying or deceased parent, husband, wife or child or other member of the immediate family.

3. Standard of Treatment

Federal prisoners will be held in clean quarters adequately heated and ventilated; and receive adequate and wholesome food, and proper medical services. Juveniles will be held apart from adults and male and female prisoners will be properly segregated. Federal prisoners will not be allowed special privileges or improper liberties. They will not be permitted to purchase or receive spirituous or malt liquors. They will not be permitted to leave the institution for any reason not authorized by law. Sentences and other processes under which federal offenders are held must be carried out impartially and without interference.

Federal prisoners shall not be subjected to corporal punishment or other cruel or inhumane treatment, nor to control or abuse by kangaroo courts. They shall not be handcuffed or otherwise shackled within an institution nor while being employed as authorized in paragraph 13. If the institution officials think that a federal prisoner cannot be restrained by reasonable methods they should report the facts promptly to the United States marshal or to the Director of the Bureau of Prisons, and appropriate instructions will be issued for the inmate's custody.

Federal prisoners who violate the rules of the institution may be disciplined by the following methods:

Restriction of privileges.

Restricted diet of a type approved by physicians as sufficient to safeguard health.

Solitary confinement for a limited period of time. Any cell used for this purpose should be properly heated and ventilated; a normal temperature should be maintained and precautions taken to safeguard the inmate's health. The prisoner should be seen by an official at frequent intervals, preferably at least every thirty minutes, during the time he is confined, and should be visited at least once a day by a physician.

Forfeiture of good conduct deductions. This must have the approval of the Director of the Bureau of Prisons.

4. Photographing and Publicity

Institution officials have no authority to give out publicity concerning federal prisoners. They shall not give out personal histories or photographs of the prisoners or information as to the arrival or departure of prisoners or permit reporters to interview them. They shall not permit the photographing of federal prisoners by reporters, news photographers, or other persons not connected with the institution. The institution officials may photograph federal prisoners as a means of identification for official use only.

5. Attorneys

Every federal prisoner must be granted the right to communicate with counsel of his own choosing. However, in the case of certain prisoners, the Bureau of Prisons may consider it necessary to require that the sheriff, jailer, United States marshal, his deputy, or other officer, be present at an interview between a prisoner and his counsel, and in such a case will issue special instructions accordingly. The interview will be held within sight but out of hearing of the supervising officer. If a prisoner is serving a sentence, the official in charge of the institution may postpone an interview by an attorney, if in his opinion it would not be proper to permit it, pending advice from the Director of the Bureau of Prisons, which he should request promptly. Except where the safe custody of the inmate is involved, a prisoner awaiting trial should be permitted to correspond with his accredited attorney without having his mail examined.

6. Visits

Visits to federal prisoners shall be in accordance with the institution's prescribed rules. The rules should permit visits from identified members of the prisoner's family, his attorney, and in the case of prisoners awaiting trial, persons with whom he may need to confer to prepare the defense of his case. Institution officials have the right to deny a visit to any prisoner when in their opinion such a visit would not be in the best interest of society or might endanger the security of the institution.

If in the case of a prisoner awaiting trial or hearing the United States attorney considers that visits or communications from persons other than the prisoner's attorney are against the public interest and so advises the officials, such visits will not be permitted without the written approval of the United States marshal on each occasion.

7. Mail

Federal prisoners will be permitted to correspond, within reasonable limits and subject to inspection by institution officials, with their families and friends, their attorneys, and, in the case of prisoners awaiting trial, with persons whom they need to contact in preparing for trial. They must be permitted to write to the Attorney General, the Director of the Bureau of Prisons, the Pardon Attorney, the United States marshal, and the United States District Judge, and with their attorneys as provided in paragraph 5, without their letters being opened or read by institution officials.

Prisoners' incoming and outgoing mail should be inspected; however, mail, including packages, that has been processed through a post office should not be opened without the written consent of the inmate to whom it is addressed. Upon commitment to the institution, each federal prisoner should be requested to sign a declaration, similar to the one shown below, authorizing the officials to open, read, and examine his mail.

> "I hereby authorize the (official in charge) of (name of institution), or his authorized representative, to open all mail and packages directed to me as long as I am a prisoner in said institution."

Mail privileges should be denied to any inmate who refuses to permit such authority to the institution officials, and the inmate should be informed that any mail received for him will be returned to the post office as undeliverable.

If inspection of incoming or outgoing mail discloses evidence of contraband, attempts to escape, information concerning criminal activities, or any material in violation of the postal laws, mail should be withheld and the facts reported promptly to the United States marshal or the Director of the Bureau of Prisons.

8. Prisoners' Property

Federal prisoners' personal property and money must be protected and accurately accounted for.

9. Medical Service

Federal prisoners shall be provided with such medical and dental treatment as may be necessary to conserve their health. General medical care will be provided either by the institution physician, if the institution has agreed to furnish medical service, or by a physician employed by the Government.

When the contract provides that the Government will bear the expense of special medical services such as dental, surgical, and hospital treatment, the institution should contact the United States marshal for advance authority before incurring any expense for these services, unless an emergency is involved. In an emergency, when the treatment is clearly necessary to conserve the prisoner's health, the institution may proceed with the necessary treatment without prior authority, but in every such case must notify the United States marshal immediately and furnish full information regarding the nature of the illness, the type of treatment to be provided, and the estimated cost. Prior authority must always be secured before incurring expenses for any elective medical service, such as eyeglasses or dentures, or other corrective medical or surgical treatment of disabilities which are not active or progressive.

No federal prisoner will be permitted to undergo treatment at his own expense except with special approval of the Director of the Bureau of Prisons.

When medical or dental treatment requires removal of the prisoner from the institution, he shall be removed only after the United States marshal has been notified and has authorized the removal, unless an emergency is involved. In the event of an emergency which does not permit prior notification, the institution may remove the prisoner for necessary treatment, but must notify the marshal as promptly thereafter as possible. All necessary precautions shall be taken to insure the safekeeping of the prisoner while he is absent from the institution.

Prisoners afflicted with venereal disease in an infectious state will be segregated and not permitted to mingle with others in the jail until they have been rendered noninfectious by treatment. Prisoners suffering from active tuberculosis or other communicable disease will also be segregated from others. The jail physician will observe the local health laws and report such cases to the proper authorities.

10. Narcotic Drugs

The prescribing or administering of habit-forming narcotic drugs for the purpose of satisfying the cravings of addiction is not considered bona fide medical treatment, and the use of narcotic drugs for that purpose is prohibited by law and forbidden under these regulations. Federal prisoners confined in jails or other nonfederal institutions shall be given narcotic drugs only when absolutely necessary in the course of medical treatment, and then only by the jail physician. Narcotic drugs shall be abruptly withdrawn from addicted prisoners upon commitment, and appropriate safeguards shall be maintained to prevent them from receiving such drugs while in custody. When, however, an individual addict is aged or exceedingly debilitated because of disease or long-standing addiction, drugs may be administered by the jail physician as an emergency measure to save life or to prevent undue suffering, but in gradually diminishing doses until their use has been entirely discontinued, usually within one week. Exceptions are to be made only in connection with cases afflicted with painful, progressive, and incurable disorders such as advanced malignant growths.

11. Death of a Prisoner

In the event of the death of a federal prisoner the institution should notify the United States marshal immediately, furnish information as requested for the marshal's report to the Bureau of Prisons, and follow his instructions with regard to disposition of the body. If the body is claimed by relatives, the marshal has authority to release it to them, and if the relatives live at a distance and the body must be shipped, the Government will pay the necessary expenses of preparing the body for shipment and the express charges. If the body is not claimed the marshal has authority to arrange for burial in the local potter's field and necessary funeral expenses will be paid by the Government. If death is due to violence, accident surrounded by unusual or questionable circumstances, or if death is sudden and the deceased has not been under immediate medical supervision, the coroner of the local jurisdiction should be called to review the case.

12. Marriage

Federal prisoners shall not be allowed to marry unless permission has been obtained from the Director of the Bureau of Prisons.

13. Employment

Federal prisoners may be employed only in the manufacture of articles for, the production of supplies for, the construction of public works for, and the maintenance and care of the institutions of, the state or political subdivision of the state in which they are imprisoned. Employment of federal prisoners by private parties and on contract labor is prohibited. (Title 18, United States Code, Sections 436, 4002)

14. Escape

The escape of a federal prisoner must be reported immediately to the United States marshal.

Punishment by fine or imprisonment or both is provided for federal prisoners who escape or attempt to escape; for persons who assist in any way in the escape of a federal prisoner or conceal an escaped prisoner; for persons who have in custody any federal prisoner and voluntarily or through negligence permit such prisoner to escape. (Title 18, United States Code, Sections 751, 752, 755)

15. Deductions for Good Conduct

Federal prisoners serving sentences of six months or more are eligible to earn deductions for good conduct at the following rates:

On a sentence of	
Not less than 6 months nor more than 1 year	5 days per month
More than 1 year and less than 3 years	6 days per month
Not less than 3 years and less than 5 years	7 days per month
Not less than 5 years and less than 10 years	8 days per month
Ten years or more	10 days per month

When two or more consecutive sentences are to be served, the aggregate of the several sentences shall be the basis for the deduction.

All or any part of a prisoner's earned good time may be forfeited or good time may be withheld if he commits any offense or violates the rules of the institution. When local officials feel that an inmate's conduct warrants withholding or forfeiture of good time, the matter should be referred to the Director of the Bureau of Prisons for consideration. Forfeited good time may later be restored if the prisoner's conduct improves sufficiently to warrant such action. Institution officials should submit recommendations for restoration to the Director of the Bureau of Prisons for consideration.

16. Computation of Sentences

A federal sentence begins to run on the day the prisoner is received at the jail or other place of detention for service of sentence. Any part of a day served on the day the sentence begins and the day it expires is counted as a full day. A prisoner should be released at a reasonable hour during the day his sentence expires. It is not necessary that he be held until midnight, and he cannot legally be held over until the following day.

A sentence expressed in months or years must be computed by calendar months. It extends from the date of sentence to the corresponding date in the month of expiration, less one, when the month of expiration has so many days, otherwise to the last day thereof. For example, a sentence of 2 months imposed June 27 expires August 26. A sentence of 2 months imposed December 31 expires February 28 (or February 29 in a leap year).

A sentence expressed in days must be computed by counting on the calendar the number of days in the sentence. For example, a sentence of 60 days imposed June 27 expires August 25.

On sentences of six months or more, on which deductions for good conduct are earned, the date of discharge is computed by subtracting the number of days earned from the maximum expiration date of the sentence. For example, a sentence of six months imposed June 27 will expire, with full good conduct credits, on November 26 (December 26, date of maximum expiration, less 30 days good conduct deductions).

When a parole or mandatory release violator is committed to a nonfederal institution for service of sentence, his sentence will be computed at the federal institution from which he was released or in the Bureau of Prisons and a statement of the computation will be furnished to the officials of the nonfederal institution.

If a prisoner escapes, his sentence stops running at the close of the day on which he escapes, and resumes running at the beginning of the day on which he is again taken into custody as a federal prisoner. His release date will be extended by the number of days his sentence was inoperative due to escape. For example, if a prisoner under sentence of two months beginning June 1 escapes on June 16 and is apprehended on June 19, his sentence will be considered inoperative for 2 days and his release date changed from July 31 to August 2. If a prisoner escapes and is apprehended on the same day or on the following day, there is no inoperative time.

When the court has specified in the judgment and commitment that a prisoner shall stand committed for nonpayment of fine, the prisoner is required to serve 30 days solely for nonpayment before becoming eligible to take the indigent prisoner's oath. If the prisoner has a term sentence also, the 30 days must be computed as beginning on the day following expiration of the term sentence. For example, a prisoner with a sentence of 6 months and a committed fine imposed June 27 will become eligible for release from the term sentence, with good conduct deductions, on November 26; and the 30 days for nonpayment of fine will begin November 27 and end on December 26.

State laws cannot be used as a basis for computing federal sentences.

17. Release from Service of Sentence

Prisoners serving federal sentences shall be released as follows:

(a) Maximum Expiration

A prisoner having a sentence or sentences totaling less than six months is not eligible to earn good conduct deductions and will be released when he has served his maximum sentence.

(b) Minimum Expiration

A prisoner whose release is based on good conduct deductions of 180 days or less will be released unconditionally at the expiration of his term less good conduct deductions.

(c) Mandatory Release

A prisoner whose release is based on good conduct deductions of 181 days or more will be released conditionally at the expiration of his term less good conduct deductions. A mandatory release certificate will be forwarded to the institution at the proper time by the U. S. Board of Parole. A prisoner so released remains under the supervision of the Board of Parole until the maximum expiration of his sentence less 180 days and if he violates the conditions of his release may be returned to custody to complete his sentence.

(d) Parole

A prisoner sentenced under regular criminal procedure to a term or terms totaling more than 180 days is eligible to be released on parole by authority of the U. S. Board of Parole after serving one-third of his sentence. Prisoners wishing to make application for parole may write to the Chairman, U. S. Board of Parole, Washington 25, D. C. If parole is granted a parole certificate will be forwarded to the institution by the Board of Parole as authority for release of the prisoner. A paroled prisoner remains under supervision of the Board of Parole until the maximum expiration of his sentence and if he violates the conditions of his parole may be returned to custody to complete his sentence.

(e) Release from Imprisonment for Nonpayment of Fine

When a prisoner held for nonpayment of fine has served 30 days solely for nonpayment, he may apply to the United States commissioner to take the indigent prisoner's oath. If the commissioner finds the prisoner eligible, he will administer the oath and order the prisoner discharged. The commissioner will furnish the institution officials with a certificate of his findings. If the commissioner reports that the prisoner cannot take the oath due to his circumstances, the prisoner shall not be released. In such a case, the institution officials should bring the matter to the attention of the Director of the Bureau of Prisons.

18. Gratuities for Discharged Prisoners

Federal laws provide for the issuance of transportation to the place of conviction or legal residence and, in the discretion of the Attorney General, clothing and cash gratuity to all persons discharged after service of sentence, and for the issuance upon court order of transportation and subsistence to persons released without conviction (other than release on bail) or placed on probation. Institution officials should consult the United States marshal when they feel a prisoner is in need of the gratuities mentioned.

19. Vouchers and Records

The United States marshal will instruct institution officials regarding preparation of vouchers and the method of reporting commitments and discharges of federal prisoners.

JAMES V. BENNETT
Director

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Washington 25, D. C.

EXHIBIT B

RULES AND REGULATIONS FOR THE MAINTENANCE OF PERSONS DETAINED UNDER THE IMMIGRATION LAWS IN STATE AND COUNTY INSTITUTIONS

For the guidance of those handling persons detained under the immigration laws in nonfederal institutions, the following information is furnished:

1. Persons detained by the U. S. Immigration and Naturalization Service under laws enforced by it are not under sentence but are detained solely to insure the person's availability for further proceedings or deportation.

2. Persons detained under authority of the U. S. Immigration and Naturalization Service are not under criminal proceedings, therefore, they shall not be required to work against their will, except for the upkeep of their own quarters.

3. There shall be proper segregation of males and females; adults and juveniles.

4. Unless such restrictions be imposed pursuant to the request of local immigration authorities, none shall be imposed on incoming or outgoing mail privileges, except that if necessary in connection with the efficient management of the facility such mail may be scrutinized to the extent legally authorized for prisoners generally and, if found objectionable from a security or other point of view, may be delivered to the nearest representative of the Immigration and Naturalization Service for appropriate disposition.

5. The requirements of the Immigration and Naturalization Service with regard to standards of detention set forth in paragraphs above shall be complied with insofar as practicable. In the event that it should become impossible to meet such requirements at the time a person is offered by the Immigration Service for detention, the situation should be explained to the Service officer, and should conditions arise subsequent to the placing of a detainee in detention which constitute a violation of the requirements above stated, the facts should be presented verbally, if convenient, to the nearest immigration officer as promptly as possible.

6. No person detained ~~under the immigration laws~~ shall, on the ground of race, color, religion, or national origin, be subjected to discrimination in any matter relating to his detention.

M-47 (Rev. 8-15-64)

DUPLICATE COPY

Form C

The law requires that this report be mailed not later than the 10th of each month.

TO

STATE PRISON INSPECTOR

MONTGOMERY

MONTHLY JAIL REPORT

County of Jefferson Co. Month of May 19 66

.... Sheriff.

THIS TABLE IS TO INCLUDE ALL STATE, COUNTY, FEDERAL, CITY AND OTHER PRISONERS

Classification of Prisoners	Number of Prisoners Brought Over from Previous Month	Number of Prisoners Received During the Month	Total Number of Prisoners in Jail During the Month	Number of Prisoners Released or Removed During the Month	Number of Prisoners in Jail at the Close of the Month
White males	153	241	444	269	175
Negro males	279	226	505	226	279
White females	7	20	27	22	5
Negro females	12	30	42	36	6
Totals	451	567	1018	553	465

1. Number of insane persons during the month? 20 Number of days in jail? 60
2. Number of Juvenile prisoners during the month? 1 Number of days in jail? 2
3. Number of Federal prisoners during the month? 63 Number of days in jail? 762

4. Deaths

Name	Color	Date	Cause of Death	Attending Physician

5. Jail scoured inside? (Give dates) Daily
6. Number of visits by County Health Officer? Give dates? May 31, 1966
7. Number of visits by County Physician? Give dates? Daily

8. Escapes

Name	Color	Date	Damage to Building	Damage to Cells
Terry G. Couch	Wm	5/30/66	$	$
Guy Ray Fortenberry	Wm.	5/23/66	$	$
Lawrence R. Freeman	Wm	5/13/66	$	$
Wallace M. Manning	Wm.	5/9/66	$	$

Remarks:

JAMES FIELDS	B M	5/1/66
FRANK WILLIAMS	B M	5/2/66
WILLIE G. MASON	B M	5/30/66

(Over)

PLEASE DESTROY ALL PREVIOUS FORMS

[fol. 91]

PLEASE DESTROY ALL PREVIOUS FORMS

Date	Prisoners in Jail Charged to the State	Prisoners in Jail Not Charged to the State			
		Insane	Juvenile	Federal	Other
1	442	1	0	20	0
2	443	2	1	25	0
3	404	2	1	26	0
4	414	4	0	23	0
5	412	5	0	22	1
6	416	3	0	17	1
7	403	0	0	18	1
8	403	1	0	18	1
9	409	3	0	19	1
10	416	3	0	19	1
11	411	2	0	19	1
12	424	2	0	17	1
13	427	2	0	21	1
14	416	1	0	21	1
15	414	4	0	23	1
16	430	4	0	27	1
17	439	2	0	24	1
18	431	6	0	26	1
19	455	1	0	26	1
20	443	1	0	26	1
21	447	2	0	29	1
22	444	2	0	28	1
23	457	2	0	29	1
24	448	2	0	27	1
25	437	1	0	29	1
26	452	2	0	31	1
27	455	3	0	29	1
28	442	1	0	29	1
29	442	1	0	30	0
30	451	1	0	29	0
31	449	1	0	34	1
Totals	13372	60	2	742	25

Total number of prisoners in jail on the last day of the month - - - - - - - ____________

Number of prisoners released on the last day of the month - - - - - - - - ____________

Total number of prisoners remaining in jail at close of the month - - - - - - - ____________

[illegible] bill chargeable to the State shows ____________ days, $____________

NOTICE

Accuracy in making this report is requested, and will obviate the necessity of having it returned for correction.

Please answer all questions explicitly. Do not insert check marks for answers.

State under the head of "Remarks", on opposite side, any unusual condition in the jail, or anything in connection with the jail that will be of importance to this Department.

INCLUDE IN THIS REPORT ALL PRISONERS IN THE JAIL

B'ham office

No.	NAME OF EMPLOYEE	TITLE
1	Bailey, Melvin	Sheriff
2	Adams, William A.	Deputy
3	Aldridge, Cheryl Jan	Steno.
4	Amberson, Clyde C.	Deputy
5	Anderson, Frank H.	Deputy
6	Bailey, Archie B.	Deputy
7	Belcher, Raymond E.	Chf.Deputy
8	Boothe, Charles B.	Sr.Clk.
9	Bracewell, A.R.	Detective
10	Brooks, Donald Wayne	Sr.Clk.
11	Butler, James G.,Jr.	Deputy
12	Chambers, R.G.	Deputy
13	Cochran, J.L.	Deputy
14	Couch, Paul Allen	Detective
15	Cousins, J.H.	Deputy
16	Creamer, Rowan H.,Jr.	Deputy
17	Davis, William Lee	Deputy
18	Davis, William L.,Jr.	Deputy
19	DeFoor, Oscar L.	Deputy
20	Dedrick, Frank	Attorney
21	[illegible], Henry A.	[illegible]
	TOTALS	

No.	NAME OF EMPLOYEE	TITLE
1	[illegible], Phyllis D.	Sr. Steno.
2	Erwin, F.H.	Deputy
3	Fikes, William O'Neal	Deputy
4	Fordham, James L., Jr.	Detective
5	Formby, Francis H., Jr.	Deputy
6	Gardner, Joseph R.	Deputy
7	Gillespie, Sylvin C.	Detective
8	Gilmer, Kathleen C.	Clk. Typist
9	Glass, A.Z.	Deputy
10	Graham, Robert L.	Detective
11	Gunnin, Mrs. Patricia Ann	Clk. Typist
12	[illegible], C.O.	Lieutenant
13	Haynes, Donald F.	Deputy
14	Heath, Dennis Lee	Deputy
15	Hogan, W.H.	Lieutenant
16	Hollis, G.T.	Deputy
17	Hopson, Billy Camp	Deputy
18	House, Freddie Lee	Deputy
19	Howell, Mrs. Sandra J.	Intr. Steno
20	Jackson, Florence J.	Clk. Typist
21	Jeff, Thomas	Sr. Clk.
	TOTALS	

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No.	NAME OF EMPLOYEE	TITLE
1	Johnson, John Henry	Deputy
2	Johnson, Royce Rudolph	Deputy
3	Jones, C.B.	Deputy
4	Jones, John H.	Deputy
5	Jordan, Edward D.	Detective
6	Kuhn, G.C.	Deputy
7	LaRoy, Randall E.	Deputy
8	Lytle, Sherrell M.	Deputy
9	Lawley, Edgar Willard	Deputy
10	Lay, Ronald David	Deputy
11	Lloyd, James W.	Deputy
12	McIlvaine, J.A.	Detective
13	Mahaffey, T.L.	Deputy
14	Maxwell, William R.	Sergeant
15	Mayes, Hazel M.	Inter. Clk.
16	Meadows, Clarence C.	Sr. Clk.
17	Miglionico, Nina E.	Prin. Clk.
18	Monteith, James Lucious	Deputy
19	Montgomery, E.L.	Deputy
20	Moore, Harold M.	Deputy
21	Myers, Gary T.	Deputy

No.	NAME OF EMPLOYEE	TITLE
1	Norman, Harold J.	Sergeant
2	Orange, D.H.	Lieutenant
3	Patterson, Earl F.	Deputy
4	Perry, Danny W.	Sr.Clk.
5	Quinn, E.H.	Deputy
6	Roberts, Mrs. Martha C.	Clk.Typist
7	Robins, Elbert Earl	Deputy
8	Robinson, James David	Deputy
9	Robinson, James Walter	Deputy
10	Robinson, Rogers Samuel	Deputy
11	Rogers, Frank E.	Detective
12	Rotton, Shelby L.	Deputy
13	Smith, James Earl	Sergeant
14	Swann, Harold V.	Detective
15	Swatek, William E.	Deputy
16	Walker, Clarence E.	Deputy
17	Wargel, Frank, Jr.	Detective
18	Ward, Walter	Deputy
19	Webber, Daniel L.	Id.Tech.
20	White, Jo Ann	Int.Clk.
21	White, Marion L., Jr.	Deputy

[fol. 96]

No.	NAME OF EMPLOYEE	TITLE
1	Wilson, Bobby Rhea	Deputy
2	Reed, Charles Lamar	Deputy
3	Reed, Milton L.	Deputy
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	TOTALS	

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B'ham Jai

No.	NAME OF EMPLOYEE	TITLE
1	Bains, Henry L.	Sr. Warden
2	Bragan, Lionel L.	Asst.Chf.Wrd
3	Chadwick, William R.	Warden
4	Cheek, Claude C.	Warden
5	Daniel, James L.	Sr.Warden
6	Everett, Jackie D.	Warden
7	Gill, Houston	Sr. Warden
8	Gilmer, James H.	Chief Warden
9	Lakey, Tava L.	Matron
10	Linn, Max J.	Warden
11	McCarley, John D.	Physician
12	McCormack, C. D.	Warden
13	McGuirk, John C.	Warden
14	Morgan, John D.	Warden
15	Orebaugh, Herman D.	Warden
16	Palmer, Myron L.	Warden
17	Patterson, Wilma	Temp.Matron
18	Phillips, Wendell L.	Warden
19	Pryor, C. R.	Warden
20	Reese, Edward H.	Clerk Asst.
21	Riddle, Gara	Warden
	TOTALS	

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No.	NAME OF EMPLOYEE	TITLE
1	Segars, Howard D.	Sr. Warden
2	Shirley, Lou Nell	Matron
3	Thompson, Annie M.	Matron
4	Wright, Joe W.	Food Super.
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No.	NAME OF EMPLOYEE			TITLE
1	Thompson, J.W.		1	Asst. to the Sheriff
2	Bonham, W.S.		1	D. S.
3	Dean, W.C.	✓	2	Detective
4	Doss, A.M.		2	D. S.
5	Duke, J.O.		2	D. S.
6	Eddings, T.F.		4	D. S.
7	Ferguson, E.J.		4	D. S.
8	Hankins, K.G.	✓	4	D. S.
9	Helton, J.P.		2	D. S.
10	Hubbard, F.M.		0	D. S.
11	Jacobs, T.A.	✓	5	Sergeant
12	Johnston, Harold M.	✓	0	D. S.
13	Love, R.L.	✓	5	D. S.
14	McCay, T.M.	✓	3	D. S.
15	Misso, P.L.	✓	4	D. S.
16	Munkus, G.R.	✓	4	Detective
17	Murdock, J.H.	✓	2	D. S.
18	Oden, D.R.	✓	0	D. S.
19	Powell, Linda	✓	1	Steno.
20	Rauch, J.A.	✓	2	Detective
21	Sexton, J.E. Jr.	✓	7	Sergeant
	TOTALS			

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No.	NAME OF EMPLOYEE		TITLE
	h, P.K.	✓ 0	D. S.
	[illegible]ps, C.W.	✓ 4	Detective
3	Stewart, Kyser	✓ 2	D. S.
4	Swatek, T.H.	✓ 0	D. S.
5	Tyson, Charlotte	1	Steno.
6	Walden, C.L.	✓ 4	D. S.
7	West, Ila Mae	✓ 0	Inter. Clk.
8	Whatley, W.C.	✓ 3	D. S.
9	Williams, J.C.	✓ 4	Lieutenant
10	Wood, A.J.	✓ 2	Sergeant
11	Zito, Margarette	✓ 0	Prin. Clk.
12			
13	Miss Tyson resigned ending 5-27-		
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	TOTALS		

Ex. I. "Shame Market," by Clyde Allison (Ember).

Private eye searching for millionaire's daughter in tropical paradise encounters passionate women at every turn.

Intercourse—35-41, 56-64, 87-91, 116-122, 161-163.

Cunnilingus—38, 61-62, 120.

Fellatio—39, 89, 118.

Ex. J. "Sin Warden," by Tony Calvano (Sundown Reader).

American seeking his fortune in Venezuela finds time to cavort with the local ladies

Intercourse and foreplay—16-21, 49-53, 88-92, 100-108.

Masochism—21, 71-73, 150-151, 181-182.

Sadism—71-73.

Fellatio—105-106, 151-152.

Rape—125, 169-170.

Defloration—126-128.

Ex. K. "Flesh Avenger," by J. X. Williams (Evening Reader).

Ex-convict unravels the frame-up which sent him to prison for death of his wife, using his sexual prowess as a weapon with the women involved in the frame-up.

Intercourse—19-20, 85-87, 122-123.

Sadism—85, 86, 112; by denial of sexual gratification—67-68, 155-158.

Fellatio—107.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966.

A QUANTITY OF COPIES OF BOOKS ET AL.
v. KANSAS.

ON PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF KANSAS.

No. 865. Decided June 12, 1967.

PER CURIAM.

The petition for a writ of certiorari is granted and the judgment of the Supreme Court of Kansas is reversed. *Redrup* v. *New York,* 386 U. S. —, decided May 8, 1967.

THE CHIEF JUSTICE would grant the petition and set the case for oral argument in light of *Quantity of Books* v. *Kansas,* 378 U. S. 205.

MR. JUSTICE CLARK would grant the petition and affirm the judgment.

MR. JUSTICE HARLAN adheres to the views expressed in his separate opinions in *Roth* v. *United States,* 354 U. S. 476, 496, and *Memoirs* v. *Massachusetts,* 383 U. S. 413, 455, and on the basis of the reasoning set forth therein would affirm.